

June 27, 2006



TRANSCRIPT
June 27, 2006

PRESENT

MONTGOMERY COUNTY COUNCIL

George Leventhal, President
Phil Andrews
Nancy Floreen
Thomas Perez

Marilyn J. Praisner, Vice President
Howard Denis
Michael Knapp
Steven A. Silverman
Michael Subin



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1 [MUSIC]

2
3 Councilmember Praisner,
4 Good morning, ladies and gentlemen. Welcome to the Tuesday, June 27th meeting of
5 the County Council. Please rise for invocation by Retired Executive Director for the
6 Community Ministry of Montgomery County, Reverend Lon Dring. Welcome. Lon, you
7 haven't been here in a while, you need to push the button.

8
9 Reverend Lon Dring,
10 I chose a prayer by St. Augustine and had in mind our colleague and friend Doug
11 Duncan as we pray together. God of life, there are days when the burdens we carry are
12 heavy on our shoulders and weigh us down. When the road seems dreary and endless,
13 the skies gray and threatening, when our lives have no music in them and our hearts
14 are lonely and our souls have lost their courage. Flood the path with light. Turn our eyes
15 to where the skies are full of promise. Tune our hearts to brave music. Give us the
16 sense of comradeship with heroes and saints of every age. And so quicken our spirits
17 that we may be able to encourage the souls of all who journey with us on the road of
18 life. To your honor and glory, amen.

19
20 Councilmember Praisner,
21 Thank you very much. It's good to see you. Right on time, our Council President has
22 joined us. I know folks are having a challenge getting through the County today, getting
23 anywhere today. But we're grateful that our Fire and Rescue and Police Departments
24 have been working so diligently to assist those who find themselves at risk because of
25 the deluge we're experiencing. And I will turn it over to our Council President.

26
27 Council President Leventhal,
28 Thank you very much, Madam Vice President, I appreciate your moving us forward. We
29 are moving into General Business, am I correct?

30
31 Councilmember Praisner,
32 Yes, announcements.

33
34 Council President Leventhal,
35 Announcements, any changes to the Agenda or Calendar, Ms. Lauer?

36
37 Linda Lauer,
38 There are a few changes. First with the Consent Calendar Just a note, the first item,
39 "A," which is the introduction of a resolution for the Mutual Aid Agreement with National
40 Institutes of Health. No public hearing is required, therefore action is scheduled for July
41 11th. Item "G," which is Executive Regulation 8-06 on Home Computer Telecommuting
42 Incentive Tax Credit. That item, we're just pulling it off the Consent Calendar and doing
43 it later this morning. "H," Action Executive Regulation Clean Energy Rewards Program,
44 that item is deferred.



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Council President Leventhal,
Oh.

Linda Lauer,
And then we have one additional item, introduction of a Special Appropriation from Montgomery Fire and Rescue Services of \$2,590,000 for the Apparatus Management Plan. And that is sponsored by Councilmembers Andrews, Knapp, and Subin. A public hearing and action is scheduled for July 11th at 1:30. Legislative Session: there are a couple of changes. We're adding Expedited Bill 31-06: the Maryland Emergency Management Assistance Compact Adoption. Public hearing and action is tentatively scheduled for July 18th at 1:30. Bill 32-05: Real Property Property Tax Disclosure. That item is being deleted for today. And then a change on Expedited Bill 33-06: Property Tax Credit for Nonprofit Swim Clubs. We have additional sponsors of Councilmembers Floreen and Praisner.

Council President Leventhal,
I'd like to be adding also as an cosponsor on Expedited Bill 33-06.

Linda Lauer,
Thank you, we'll make that change. And the public hearing is moved forward to July 11th at 1:30 instead of July 18th as the Agenda shows. That's it.

Council President Leventhal,
Ms. Lauer, I see that Mr. Levchenko is here. Could we get an explanation of why Item "H," the Clean Energy Rewards Program has been deferred? I thought we were ready to move on that this morning.

Keith Levchenko,
Well, we're ready to move on it, but we've not received the amended regulation from the Executive yet. The changes do have to come -- be formally transmitted from the Executive first.

Council President Leventhal,
Could we get that later this afternoon and act on it this afternoon? We're not going to have a July 4th session, and the program is supposed to go into effect July 1.

Keith Levchenko,
The marketing and so forth would go into the effect, there would not be any rewards until most likely the second half of the fiscal year. We could certainly see if they are imminently going to be sending it over today. It required both a County Attorney review and Executive signature. So at least as of late yesterday, we haven't received it. So I can check this morning and see where it is.



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1 Council President Leventhal,
2 Okay. Let us check with the County Attorney and with DEP.

3
4 Keith Levchenko,
5 Okay.

6
7 Multiple Speakers,
8 [INAUDIBLE]

9
10 Council President Leventhal,
11 I'd like to have the program -- I'm aware of when the awards will go out. I'm know that's
12 not until January. I'm very familiar with the structure of the program. But I was under the
13 impression that we were going to pass those regs today and if there's any chance to do
14 that... We'll be in session fairly late this afternoon, and if there's any chance to have it
15 done today, I'd like to do that.

16
17 Keith Levchenko,
18 All right, we're certainly hoping to bring it to you today. And we'll see if perhaps we still
19 can.

20
21 Council President Leventhal,
22 Thank you. Okay, understanding that Mr. Denis is having a -- receiving some medical
23 attention this morning, and that we have -- as Ms. Lauer said, we've removed Item "G"
24 and hope perhaps on Item "H" we can act later. Are there any comments on any other
25 items on the Consent Calendar this morning? Ms. Praisner.

26
27 Councilmember Praisner,
28 Yes, on Item 1, the introduction of the resolution on the Mutual Aid Agreement. I just
29 was using this opportunity to make sure that, given the National Institutes of Health's
30 own internal communication system, that there're no issues of our communication
31 system working within any buildings within NIH. and wanted to make sure that to the
32 extent that might or might not be a problem, that we knew about it now while we're
33 doing the Mutual Aid Agreement. So, Chief Carr is sitting right behind, Kathleen, and
34 he's nodding his head that -- I think he understands my question. Since this is just an
35 introduction, I would hope when we have the public hearing that we would comment on
36 the capacity for both interoperability and the capacity -- that we don't have any dead
37 spots -- given the buildings and the structures. I'm especially concerned with we have
38 large buildings and when we have federal buildings that we may not know how they're
39 constructed, and how our repeater capacity and our communication capacity may be
40 achieved. The other question I had was on "U," which is the introduction of the
41 Supplemental Appropriation for the Additional Fire Apparatus. And my only question on
42 that as the source of funding, is the Fire Tax. And I'm not sure that status of the fund
43 and have some significant concerns that, from a funding and a fund balance
44 perspective, we've got to pay attention to those issues. And I'm not sure that the Fire



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1 Tax Fund capacity can cover all of that. So when we get to public hearing and action,
2 we need to have a better understanding. There's too much misunderstanding in the
3 general public about the Fire Tax, as being a subset of the property tax, and the
4 decisions about how much is attributed to Fire Tax and how much is attributed to
5 General Property Tax is a question of reconciling budgets such you cannot use Fire Tax
6 for non-Fire Tax issues. But we certainly do use General Property Tax for Fire costs and
7 can. And if the Fire Tax Fund and the Fire Tax cannot cover these costs, we're not
8 appropriately disclosing the source of funding. So when we get to that action, we need
9 to talk about it. Thank you.

10
11 Council President Leventhal,
12 Mr. Knapp.

13
14 Councilmember Knapp,
15 Thank you Mr. President. And I thank Ms. Praisner for her comments because that's
16 something that we do need to look at more closely, and we will when the Committee
17 takes this up. I just want to provide a quick 30-second overview as to what this item is.
18 As my colleagues will recall, we've continued to focus on the Apparatus Management
19 Plan that was provided to us by the CAO following the Office of Legislative Oversight
20 Report that was presented to us about three years now. And rather than provide one big
21 lump sum of money to address the Apparatus Management Plan as was presented, the
22 Committee has been basically looking at -- on an "as needed" basis -- and working with
23 the Fire and Rescue Service provide the next allocation of resources to move the
24 Apparatus Management Plan forward. And this is effectively the next chunk of money
25 and resources required to continue to make the progress on the Apparatus
26 Management Plan that we've seen so far. I appreciate the support of the rest of the
27 Public Safety Committee, Chairman Andrews and Councilmember Subin, in introducing
28 this. And just to reassure my colleagues, we continue to have regular updates with Fire
29 and Rescue Service about every six weeks as to the status and the progress that's
30 being made on this Apparatus Management Plan and would be happy to provide more
31 in-depth details for folks if they're interested. But just wanted to kind of provide that
32 background and look forward to moving forward on this. Thank you very much.

33
34 Council President Leventhal,
35 Okay let me just note with respect to the Healthy Maryland Initiative, first of all, I want to
36 call my colleagues' attention to Agenda Item 2-E and I want to ask our staff, Essie
37 McGuire, if you could come forward for just a moment. As I read this -- I meant to bring
38 this up before. It seems to me in the action language, we -- what we're doing is we're
39 calling on the Maryland General Assembly to raise the State Tobacco Tax.

40
41 Essie McGuire,
42 Yes.

43
44 Council President Leventhal,



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1 This resolution does not have the force and effect of raising the State Tobacco Tax? No.
2 So the action language should so state.

3
4 Essie McGuire,
5 We can definitely make that change before it goes to signature, if that's the Council's
6 intent.

7
8 Council President Leventhal,
9 Okay. Without objection the resolution will be corrected. And I note that [Vinnie
10 DiMarco] and Virginia Richardson are here. They are very effective advocates for
11 expanding access to health care throughout the State of Maryland. This is a critical
12 issue facing our generation. I'm proud of what we've accomplished here in Montgomery
13 County, but we can only do so much without significant action by the State of Maryland.
14 And we hope that in the next session of the Maryland General Assembly that the
15 General Assembly will act favorably on this Healthy Maryland Initiative. It is certainly
16 something that all Marylanders will benefit from if we're able to accomplish it. And again,
17 I want to thank Mr. DiMarco and Ms. Richardson, and many other activists and
18 volunteers for their efforts on this initiative. Mr. Perez.

19
20 Councilmember Perez,
21 Thank you, I want to talk to that issue, as well. State and local governments continue to
22 be incubators of innovation as it relates to expanding access to health care as a result
23 of the abdication of responsibility at a Federal level. We see it day in and day out, 47
24 million uninsured, a governor who's idea of a health care plan is to kick 4,000 pregnant
25 women and children off of the Medicaid rolls, and it's incumbent on local governments
26 and local and state activists like Virginia and Vinnie and others to take the lead. And I'm
27 certainly proud to support the Healthy Maryland Initiative, along with many other
28 initiatives that have been put forth by the Health Care for All Coalition. I believe this is
29 how reform is going to happen. And we really will transform Maryland into one of those
30 laboratories of democracy for the issue of health care. Because access to health care
31 should be a "all hands on deck" enterprise. But, regrettably, many government entities
32 have indeed abandoned ship on this. We'll continue to take the mantel up at a local
33 level under the able leadership of George Leventhal, and we'll do it at a state level
34 under the able leadership of many of our delegation, both from Montgomery County and
35 across the state, and in coalition with our wonderful group of serial activists on this
36 issue, led by Vinnie and Virginia. And thank you and I'm happy to support this initiative
37 and resolution. And I also wanted to comment on the ladder truck issue. I think last
38 week we passed an -- did we pass -- passed -- I'm still getting some calls from Silver
39 Spring residents and Takoma Park residents regarding the issue of what's happening
40 with our ladder truck down there. And I simply wanted to confirm that we're moving
41 forward. That under the leadership of my friend and colleague Mike Knapp and,
42 obviously, Chief Carr, the best Fire Chief in the United States, we're moving --



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1 Councilmember Praisner,
2 Why not the world?

3
4 Councilmember Perez,
5 Well, I haven't gone -- I haven't gone internationally yet. So, we're moving forward and I
6 want make sure...

7
8 Councilmember Praisner,
9 A District Four resident, I might add.

10
11 Councilmember Perez,
12 Well, you don't... Okay, I withdraw what I just said, Marilyn. We are moving forward and
13 the arrangement for the purchase of the ladder truck by the County, which will then be
14 reimbursed when the sale of the Silver Spring Fire Station is consummated will result in
15 a win/win situation for the Downcounty areas of Silver Spring and Takoma Park. That is
16 moving forward and I want make sure I said that on the record for the benefit of
17 residents of Silver Spring and Takoma Park who have been wondering about this issue.
18 And I'm very glad that working together with all the community members and Chief Carr
19 and Councilmember Knapp and Andrews we're able to resolve this. So thank you.

20
21 Council President Leventhal,
22 Okay, I see no further comments on the Consent Calendar. We need a motion to
23 approve the Consent Calendar, but we didn't do that. So Mr. Praisner has moved and
24 Mr. Subin has seconded approval of the Consent Calendar. Those in favor will signify
25 by raising their hands. It is unanimous among those present. Mr. Subin.

26
27 Councilmember Subin,
28 Thank you, Mr. President. Several minutes ago Ms. Praisner very appropriately thanked
29 the men and women of our Police and Fire Service for the work they've done in the last
30 couple of days. If you're listening to this live, keep listening to this. If you're watching the
31 rebroadcast, go get a snack. Please, folks, it's dangerous out there, it is real dangerous.
32 And it's going to be raining more later and there's nowhere for the water to go but the
33 streets. You're putting yourself in harm's way if you go out there. You know the safe
34 places. You know the unsafe places. Not me directly, personally, but me indirectly, have
35 the Chevy Chase -- or the Cabin John -- I'm sorry -- Fire Department to thank. Last night
36 the Water Rescue folks took care of a loved one of mine. But those folks are getting
37 tired, people. It's been a real rough couple of days. We've had 29 years yesterday
38 without a line of duty death, and we want to keep that record going. And we don't want
39 anybody dying in there. It's just not worth it. So if it starts to rain again, stay home, delay
40 your trip, and stay on the main routes.

41
42 Council President Leventhal,



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1 Thank you, Mr. Subin, we appreciate that very timely and appropriate suggestion to the
2 public. We're now moving into the Legislative Session. Do we have a Legislative Journal
3 for approval?

4
5 Council Clerk,
6 We have the Legislative Journal of June 23rd.

7
8 Councilmember Andrews,
9 Move Approval.

10
11 Councilmember Floreen,
12 Second.

13
14 Council President Leventhal,
15 Mr. Andrews has moved and Ms. Floreen has seconded approval of the Legislative
16 Journal. Those in favor will signify by raising their hands. Raise your hand, Mr. Subin. It
17 is unanimous among those present.

18
19 Councilmember Subin,
20 Okay, Daddy.

21
22 [LAUGHTER]

23
24 Councilmember Praisner,
25 No, no, no. Don't go there.

26
27 Council President Leventhal,
28 We have several bills for introduction.
29 Bill 30-06: Personnel Retirement Investment sponsored by the Council President at the
30 County Executive, public hearing is scheduled for July 18th. We have Expedited Bill 31-
31 06, Maryland Emergency Management Assistance Compact, scheduled for July 18th at
32 1:30. We have Expedited Bill 33-06, Property Tax Tax Credit Nonprofit Swim Clubs
33 sponsored by Councilmembers Silverman, Denis, Floreen, Praisner, and Leventhal.
34 Public hearing is scheduled for July 11th at 1:30. Without objection, those bills will be
35 introduced. We have a Call of Bills for Final Reading. Bill 21-06: Retirement Savings
36 Plan Distribution of Benefit. The Management and Fiscal Policy Committee
37 recommends approval. Chairwoman Praisner.

38
39 Councilmember Praisner
40 Thank you, in the absence of Mr. Denis -- and unfortunately he was not able to attend
41 the Committee meeting as well -- I'll give the Committee's recommendation. Mr.
42 Andrews and I recommend approval of the legislation. This bill deals with the
43 distribution of benefits, and it comes to us at the request of the County Executive. It
44 creates an opportunity for an installment payout distribution option for County



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1 employees who participate in the Retirement Savings Plan. Under current law those
2 participants only had two options. They could choose either a lump sum payment or an
3 annuity after retirement or termination. This gives them an additional opportunity. And
4 this opportunity is consistent with other similar plans, including the Federal Government
5 options. And the Committee recommends approval.

6
7 Council President Leventhal,
8 Okay. Is there objection to approval of Bill 21-06? Without objection...

9
10 Councilmember Praisner,
11 No, we have to take a roll call vote.

12
13 Council President Leventhal,
14 Oh, roll call vote. Okay. Indeed. The clerk will call the roll.

15
16 Council Clerk,
17 Ms. Floreen?

18
19 Councilmember Floreen,
20 Yes.

21
22 Council Clerk,
23 Mr. Silverman?

24
25 Councilmember Silverman,
26 Am I supposed to vote yes? Yes.

27
28 Council Clerk,
29 Mr. Knapp?

30
31 Councilmember Knapp,
32 Yes.

33
34 Council Clerk,
35 Mr. Andrews?

36
37 Councilmember Andrews,
38 Yes.

39
40 Council Clerk,
41 Ms. Praisner?

42
43 Councilmember Praisner,
44 Yes.



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1
2 Council Clerk,
3 Mr. Leventhal?

4
5 Council President Leventhal,
6 Yes.

7
8 Council Clerk,
9 Mr. Subin?

10
11 Council President Leventhal,
12 Mr. Perez? Okay. Bill 21-06 is adopted 9-0 -- 8-0. Trying to keep up here. And we now
13 have Expedited Bill 26-06, which is recommended for approval by the MFP Committee.
14 Chairwoman Praisner.

15
16 Councilmember Praisner,
17 Yes, again this legislation would normally be handled by Mr. Denis. But unfortunately he
18 could not attend the meeting. Mr. Andrews and I discussed this legislation and
19 recommend approval. There were some amendments that were enacted. This is
20 actually a collection of amendments to the Personnel Retirement System and comes to
21 us from the County Executive. The legislation makes a number of clarifying, technical,
22 and substantive changes to the law governing retirement plans for County employees.
23 One: it eliminates the requirement that the County automatically distribute a participant's
24 contribution or account balances when the participant separates from the County
25 service. That's almost consistent with the previous legislation as well, giving options.
26 This one eliminates that requirement. Secondly, it authorizes the member of the
27 Employment Retirement System to purchase service credits by transferring funds from
28 a government 457B plan. In order to do so to purchase those service credits. And then it
29 clarifies the benefit that a participant in the Deferred Retirement Option Plan -- the
30 DROP Plan -- for career firefighters receive if the participant is eligible for a non-Service
31 Connected Disability Retirement while in the DROP program. What we learned as part
32 of Committee discussion was that in the case of the latter, Deferred Option Retirement
33 Plan, this legislation codifies what has been in the practice within the County Executive
34 and the Office of Human Resources practice in dealing with the DROP Plan, and
35 implements what is implementation conversations that were held between the
36 Bargaining Unit and the County Executive. It did raise a concern from the Committee
37 that the Council had not been notified of issues related to collective bargaining that
38 might -- that do have fiscal implications, which this does, and that we had never been
39 notified about that. So we expressed our serious concerns about the Executive's delay
40 in notifying the Council about the issue and the collective bargaining agreement
41 implications and have asked that formally we request that OHR and the Executive --
42 and we should do so with some kind of memo or communiqué to them -- that they notify
43 the Council promptly if there're issues related to clarification of Collective Bargaining
44 Agreements, especially those, but not exclusively those that have a fiscal impact, are



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1 brought to the Council's attention immediately. The two amendments are basically
2 clarifying amendments. The Committee recommends that the term "Chief Administrative
3 Officer" be substituted for the word "County" in lines 11 and 24 on page two. Clarifies
4 that it's a CAO who has the responsibility. That's consistent with I think everywhere else
5 that I've seen. Reference "County" is very unclear as to what that refers to and the
6 CAO, Chief Administrative Officer, does have responsibility for managing the personnel
7 system for the County government. So that is a appropriate modification and we thank
8 staff for bringing to our attention. The Committee also recommends that the term
9 "Participant Contribution Account" be substituted for references to "Contributions with
10 credited interest." Those are on lines 124 to 138 on pages six and seven. We also
11 recommended that the term "Participant Contribution Account" be defined to mean:
12 "The portion of a participant's account balances in the Retirement Savings Plan that is
13 attributable to participant contributions, including contributions picked up by the County
14 and any gains or losses attributable to those contributions." The amendment is needed,
15 in our view, and again, thank Council staff for their very careful review of the legislation.
16 It is their advice and we accepted that those reference was needed because references
17 to credited interest don't make sense in the RSP context given the RSP structure. So
18 with those changes to the legislation, with that strong statement by the Council that we
19 should be notified when there are these issues, and a request that that be
20 communicated in writing, the Committee recommends approval.

21
22 Council President Leventhal,
23 Okay. Now before the Council is Expedited Bill 26-06. The clerk will call the roll.

24
25 Council Clerk,
26 Ms. Floreen?

27
28 Councilmember Floreen,
29 Yes.

30
31 Council Clerk,
32 Mr. Subin?

33
34 Councilmember Subin,
35 Yes.

36
37 Council Clerk,
38 Mr. Silverman?

39
40 Councilmember Silverman,
41 Yes.

42
43 Council Clerk,
44 Mr. Knapp?



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Councilmember Knapp,
Yes.

Council Clerk,
Mr. Andrews?

Councilmember Andrews,
Yes.

Council Clerk,
Mr. Perez?

Councilmember Perez,
Yes.

Council Clerk,
Ms. Praisner?

Councilmember Praisner,
Yes.

Council Clerk,
Mr. Leventhal?

Council President Leventhal,
Yes. The bill passes 8-0. We now have before us Expedited Bill 14-06, Personnel Salary Schedules, Medical Doctors. This bill has been reviewed both by the HHS Committee and the MFP Committee. It establishes a salary schedule for medical doctors to the County's Uniform Salary Plan. And we also have an accompanying resolution to approve the FY 2007 salary schedule. Another resolution to approve pay differential for treatment team supervisors. And Executive Regulation 24-05 that also establishes a salary schedule for medical doctors. The purpose of this is to allow the County properly to align the salaries of physicians and psychiatrists with the market for their services to insure that the County is able to recruit and retain well-qualified medical doctors. Chairwoman Praisner, did you want to comment on this legislation as well?

Councilmember Praisner,
No let's just move along.

Council President Leventhal,
Mr. Subin.

Councilmember Subin,



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1 Thanks, Mr. President. Does this include the docs who at least in the past have been
2 participating in the Obstetrical Program for Indigent Women?

3
4 Unidentified Speaker,
5 No, I don't believe so.

6
7 Kathleen Boucher,
8 No, I believe they're contract physicians, so they would not be included in this. They're
9 not County employees.

10
11 Councilmember Subin,
12 All right. Okay, but they're still -- that contract is still ongoing?

13
14 Kathleen Boucher,
15 Yes.

16
17 Council President Leventhal,
18 Okay, we are on Expedited Bill 14-06. The clerk will call the roll.

19
20 Council Clerk,
21 Ms. Floreen?

22
23 Councilmember Floreen,
24 Yes.

25
26 Council Clerk,
27 Mr. Subin?

28
29 Councilmember Subin,
30 Yes.

31
32 Council Clerk,
33 Mr. Silverman?

34
35 Councilmember Silverman,
36 Yes.

37
38 Council Clerk,
39 Mr. Knapp?

40
41 Councilmember Knapp,
42 Yes.

43
44 Council Clerk,



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1 Mr. Andrews?

2
3 Councilmember Andrews,
4 Yes.

5
6 Council Clerk,
7 Mr. Perez?

8
9 Councilmember Perez,
10 Yes.

11
12 Council Clerk,
13 Ms. Praisner?

14
15 Councilmember Praisner,
16 Yes.

17
18 Council Clerk,
19 Mr. Leventhal?

20
21 Council President Leventhal,
22 Yes. We now have before us and I'm going to propose that we act en bloc on the
23 resolution to approve the Pay Differential for Treatment Team Supervisors, the
24 resolution to approve the FY '07 Salary Schedule for Medical Doctors and Executive
25 Regulation 24-05, the amendment to personnel regulations to include a salary schedule
26 for medical doctors. All of these implement the bill that we just passed by a vote of 8-0.
27 All of these have been approved by the HHS and MFP Committees.. Those in favor of
28 these two resolutions and the Executive Regulation will signify by raising their hands. It
29 is unanimous among those present.

30
31 Minna Davidson,
32 Mr. President, may I just clarify for the record that there were a number of amendments
33 recommended by the Committee to the Salary Schedule Resolution and the Pay
34 Differential Resolution. So your vote was on those resolutions as amended?

35
36 Council President Leventhal,
37 We approved the Committees' recommendations.

38
39 Kathleen Boucher,
40 Right, thank you.

41
42 Council President Leventhal,
43 Thank you.



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1 Kathleen Boucher,

2 Okay, we need to go back and approve the minutes and I need it a motion to that effect.

3
4 Council President Leventhal,

5 The minutes of June 13th are before the Council. Mr. Knapp has moved and Mr. Subin
6 has seconded. Those in favor of approving the minutes of June 13th and the approval of
7 the minutes of the closed session for April 18th will signify by raising their hands. It is
8 unanimous among those present. Okay, we turn now to District Council Session. We
9 have a Zoning Text Amendment for introduction. Zoning Text Amendment 06-21,
10 relating to building coverage in the RE-1 cluster. We need a motion to establish a public
11 hearing on August 1st.

12
13 Councilmember Perez,

14 So moved.

15
16 Councilmember Praisner,

17 Second.

18
19 Council President Leventhal,

20 Mr. Perez has moved and Mr. Praisner has seconded a public hearing on August 1st on
21 ZTA 06-21. Those in favor will signify by raising their hands. The public hearing is
22 established. The vote is unanimous among those present. We have now a work session
23 on workforce house and we will turn the microphone to Chairman Silverman.

24
25 Councilmember Silverman,

26 Well, thank you Mr. President. You've run such an efficient meeting this morning. I
27 would suggest we might want to actually take a short recess, since nobody associated
28 with the bill is here yet. I assume they think they're going to be here at 10:30.

29
30 Councilmember Perez,

31 I think what happened is they were listening to Mr. Subin's admonition to stay home.

32
33 Councilmember Silverman,

34 Now, I don't want to say it's raining hard out there, but I just have to say that a couple of
35 koi from our fish pond opened the door for me when I left.

36
37 Council President Leventhal,

38 We do have 20 minutes for additional admonition by Council. We really mean it, it's wet
39 out there people! All right Council is in recess until 10:30.

40
41 [SILENCE]

42
43 [MUSIC]



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1 Council President Leventhal,
2 Okay, we are back. Let me ask if people need to have conversations they may want to
3 take them into the hallway...

4
5 Councilmember Praisner,
6 Including Councilmembers.

7
8 Council President Leventhal,
9 Well, I can only model good behavior, I can't force my colleagues to behave.

10
11 Councilmember Praisner,
12 Sure you can! You can throw this at them.

13
14 Council President Leventhal,
15 I have a gavel, I guess.

16
17 Councilmember Praisner,
18 Yeah!

19
20 Councilmember Silverman,
21 Eight years, I've never seen anybody use the gavel! There's just the stand there, right.

22
23 Councilmember Praisner,
24 But this hurts more.

25
26 Council President Leventhal,
27 And Chairman Silverman, you have the floor.

28
29 Councilmember Silverman,
30 We're back talking about workforce housing. This is a continuation of our work session,
31 it is not a voting session. It is to make sure that we understand the issues and that we
32 get questions answered and any other information that isn't contained in the hundreds
33 of pages of material that we have already. So, why don't we invite to the table -- I'm
34 looking -- I'm still looking... Do we have somebody from DHCA here? Okay, well, why
35 don't we -- we'll ask Scott Minton from HSC to join us, who -- Karl, you are the
36 spokesperson for the Planning Board. Sure, why don't you join us. And Mr. Bowl -- I'm
37 sorry, Smart, sorry! The other one is Bowl. Come on up. Since we're about to get into
38 the economics of the discussion. Okay, if I recall correctly, we ended with number -- had
39 we finished with 6 -- issue 6? Or we hadn't done 6?

40
41 Unidentified Speaker,
42 You were having a discussion of 5-A, about the tax credit units?

43
44 Councilmember Silverman,



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1 Oh, right. Okay, that's right. And we've subsequently gotten this letter from HOC. So
2 we'll see if there's a motion at the appropriate time when we vote on this.

3
4 Unidentified Speaker,
5 When would that be?

6
7 Councilmember Silverman,
8 I think it's the 11th?

9
10 Council President Leventhal,
11 We're going to vote on July 11th. That's the current plan, depending on how the
12 conversation goes.

13
14 Councilmember Perez,
15 Do we -- is it then then for whatever tweaks are in order on the 11th?

16
17 Councilmember Silverman,
18 Yeah. Yeah, I mean that's when the voting session would be. So, I -- right. Okay. So
19 now we're onto 6, which is on page 6. Should the law specify the proportion of bedroom
20 sizes in workforce housing units? Yes, government should stay out of the bedroom!

21
22 [LAUGHTER]

23
24 Councilmember Silverman,
25 In this case, government is staying in the bedroom! And the Committee recommends
26 that the ratio of efficiency in one-bedroom apartments cannot be greater than it is for
27 market rate units. This is parallel to the MPDU Ordinance. Although we acknowledge
28 that workforce housing units, like MPDU units, can be smaller than market rate. But the
29 idea is to not -- is to try to track what we've done in the MPDU Ordinance. We are
30 tracking what the law is with regard to MPDUs. We don't want to basically allow a
31 situation to occur where there could be -- the workforce housing units could all be
32 efficiency apartments. Efficiency condos.

33
34 Councilmember Perez,
35 They can be smaller...

36
37 Councilmember Silverman,
38 They can be smaller, they just can't be that small.

39
40 Councilmember Perez,
41 Okay. All right.

42
43 Councilmember Silverman,



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1 If you've got a two-bedroom, you can have a two-bedroom workforce housing that is
2 smaller than a two-bedroom market rate. You can't just meet your 10% requirement by
3 saying, "Thank you very much, we're going to do our -- everybody gets the..." Right,
4 "Everybody gets the efficiency." That's right.

5
6 Council President Leventhal,
7 No lights.

8
9 Councilmember Silverman,
10 No lights. Okay. We're into Number 7, which is, I think, the heart of the debate on how
11 this works. And let me just try to summarize this. But I want to turn to the Department
12 and the Planning Board and HOC and Eric Smart from Bowl and Smart. Again, to just
13 clarify this, the legislation as drafted allows a workforce housing bonus for the units to
14 be done, but not a market rate bonus. And so in English, if you would be entitled under
15 the MPDU Ordinance to get a bonus density of market rate units because you're going
16 up to 15%, the law on MPDUs says 12.5%. If you wanted to go to 15% then that's tied
17 into the idea that you get bonus market rate units because you're building more MPDUs
18 than the law allows. That does not track this legislation. This legislation simply says if
19 you're a developer developing in these areas in the County around Metros, that you
20 have to do your MPDUs, you have to do -- you're going to have to do your market rate
21 units. You will have to do an additional 10% above your market rate units will have to be
22 workforce housing. You don't get any additional bonus market units to offset the fact
23 that you're required to do these workforce housing units. And that's why it's going to be
24 important for people, and I guess what I'm going to suggest is that Eric go through
25 perhaps sort of a summary of where he is on the economics. And we can let other folks
26 chime in because that's what is really driving the train here. I'm not going to even
27 attempt to summarize, except to say that the position of the Department and its
28 consultant and HOC is that it is probable that the additional density for the workforce
29 housing will be -- that this can be done without costing the development community
30 money. The position -- but that going to a requirement that the workforce housing units
31 get taken out of the market rate units is something that will not allow a project to move
32 forward. The position of Park and Planning is that they want to have -- if you had a 100-
33 unit building, of which there were 13 MPDUs and 87 market rate, the position of Park
34 and Planning is there should be a requirement for 8 or 9 workforce housing units, but
35 they ought to come out of the market rate units. So, there is no additional density. No
36 additional density at all. So this will sound very familiar because we went through a lot
37 of this discussion a year and a half ago or whatever in debating whether, under certain
38 circumstances, we were going to authorize an exceeding of the height limits in order to
39 accommodate MPDUs on-site, which is why a lot of this is driven by the economics. In
40 the "For Whatever It's Worth" category, the position of some folks in the development
41 community is they don't think they can do this without getting bonus market rate units
42 above and beyond that. The sponsors of the legislation were not convinced of that and
43 are sticking to the position that we have when we introduced it. So, that's -- which is to
44 allow additional density, only for the workforce housing units...



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Council President Leventhal,
Only for the MPDUs.

Councilmember Silverman,
Not MPDUs, don't say MPDUs, only for the -- you will get additional density for
workforce housing units, only. You will not get any additional market rate density.

Linda Alford McMillan,
If you had currently a development that would have been 100 units and it would have
ended up, because of your 12.5% MPDU requirement, that you would have had 13
MPDUs and 87 market rate units. The bill and ZTA as recommended would allow the 9
workforce units to be added to that and now you would have a total of 109 in that
building, but no additional market rate units, only the addition for the workforce housing.

Councilmember Silverman,
Right. And the analogy to our discussion about the MPDUs is that the majority of the
Council's position was of the belief that in order, under certain circumstances, to
accommodate having MPDUs built on-site, that that was an appropriate trade-off
against what otherwise might have been a height restriction in a master plan, because
we were dealing with it in certain areas. And that's why the legislation is drafted to apply
only to Metro Station Policy Areas, and even then only within certain zones within those
Metro Station Policy Areas, as a means of trying to address concerns, which have been
raised in general about height limits.

Council President Leventhal,
Okay, we have a lot of questions on this. Mr. Subin?

Councilmember Silverman,
I -- that's fine. I was going to say people can either ask questions or we may want to
hear from the folks in front of us about how they reach the conclusions they reached.

Council President Leventhal,
Let's see what Councilmembers have on their minds. Mr. Subin?

Councilmember Subin,
Thanks, Mr. President. I guess my question is to Park and Planning. Other than the
increased density, what is your objection to the plan as proposed by the sponsors?

Karl Moritz,
It is the increased density. And part of the issue is that the density goes on forever,
while the units are workforce units for a limited period of time. And that the master plans
are crafted with an idea of a certain amount of density being the maximum. The master
plans did not consider that there would be a density bonus -- increase.



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1
2 Councilmember Subin,
3 Did you consider making permanent the workforce housing? And what would happen
4 then?

5
6 Karl Moritz,
7 No, we didn't look at whether that was a remedy for that situation. No.

8
9 Councilmember Subin,
10 I guess my first question then is could you take that back to the Board and ask that
11 question?

12
13 Karl Moritz,
14 Sure.

15
16 Councilmember Subin,
17 Did you look at the economics of what would happen, because it seems to me you're
18 putting in a disincentive if you put in the workforce housing at the expense of the
19 market.

20
21 Karl Moritz,
22 Yeah, in fact on Circle 63, it's not so much our numbers, but the numbers of Mr. Smart.
23 He did analyze a scenario that's very similar to what the Planning Board is proposing.
24 And I won't run through every number there, but maybe just a few of the highlights. On
25 line number 20 is "This assumption that the market rate units would generate an 18%
26 profit. I'm saying that that was what was assumed to be needed by the developer in
27 order to have the project go forward with the market rate unit costing about \$450,000 in
28 order to get that 18% profit. If you go down to line 37, this scenario assumes that the
29 condo would be sold at 469, instead of the 450. And the reason for that is that there
30 would be some excess -- "excess" -- profit that could be used to be applied toward the
31 workforce units that are not generating -- that would not ordinarily generate an 18%
32 profit. So, basically what this scenario does is say in order to insure that the developer
33 gets an 18% profit, not just on the market rate units, but the workforce units as well,
34 there would have to be a subsidy from the market units to the workforce units of about
35 \$19,000.

36
37 Councilmember Subin,
38 That's counterproductive. Not only is it counterproductive, but it makes the situation
39 worse. Because the big issue is the price and the demand of housing, which is -- and
40 land, which is driving everything. And the workforce housing is supposed to be a relative
41 savings -- relatively less expensive. And so by driving up the price of one, the market is
42 going to drive up the price of the lower, because it's still a savings. The difference on
43 line 22 of \$19,000 a unit on a \$450,000 -- is a nonexistent difference. I mean for
44 somebody going in for a mortgage that is not going to make a huge difference.



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1
2 Karl Moritz,
3 And yet that \$19,000 is all that's needed to make the workforce housing numbers work
4 under the Planning Board scenario.

5
6 Councilmember Subin,
7 You think so?

8
9 Karl Moritz,
10 According to this calculation.

11
12 Councilmember Subin,
13 Well, but this calculation also says that the market force is going to subsidize the
14 workforce.

15
16 Karl Moritz,
17 Uh-huh.

18
19 Councilmember Subin,
20 And at that...

21
22 Karl Moritz,
23 Either that or the developer could accept less than 18% profit on the workforce units.
24 That's the other alternative.

25
26 Councilmember Subin,
27 Well, they could, but I don't know -- like Mr. Silverman doesn't want to get into
28 anybody's bedroom, I'm not sure how much I want to start to mess with the free market
29 either and start dictating profit margins. Those profit margins are going to be driven by
30 the market, not by us. I mean I never thought -- I did not think that it was the intent of
31 the sponsors, and frankly had not heard before that it was anybody's intent that the
32 market units would subsidize the workforce, because at some point you're now going to
33 be driving another group out of the market and it's going to be that group between those
34 who can afford the market at the higher price and those who qualify for the workforce.
35 So, instead of driving the workforce housing folks out of the market, you're now going to
36 drive a different group out of the market. And this was meant, I thought, unless Mr.
37 Silverman tells me otherwise, to expand the ability of folks to get in on the market, not
38 be a zero sum game.

39
40 Councilmember Silverman,
41 The -- if I may?

42
43 Councilmember Subin,
44 Sure.



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Councilmember Silverman,

The intent of the legislation and the discussion we had was essentially solve for zero. Which was to say that while it is possible to look on a piece of paper and say if we, in effect, create a piece of legislation that says you can -- you're going to do it a certain way, and there are a couple of options. You can either add to the price of market rate units in order to offset your costs or you could reduce your profit margin. But the intent of the legislation was not to create that type of scenario. It was to create the break-even proposition, which is what the intent of the original MPDU legislation -- in fact, if I remember correctly when we modified the MPDU law we took out a paragraph that had been in the original legislation, which said that you're required to build MPDUs and you're actually entitled to a profit off of MPDUs. We took that out of the...

Linda Alford McMillan,
No, it's still in there.

Councilmember Silverman,
Is it still in there?

Linda Alford McMillan,
Yes, it is.

Councilmember Silverman,
I'm not sure there is anybody building MPDUs that is doing anything right now other than losing money. But -- so, the intent is basically to create a break-even proposition and not shift it.

Councilmember Subin,
Well, shifting it could create a break-even. I mean here's my problem, in order to get -- there's something wrong here. If your market prices are only going up by 19.5 and your workforce housing is going down by 195 it's going to take a heck of a lot of market to make up for that difference. Or a heck of a lot of even more workforce. Somewhere you -- this isn't break-even. This is loss, if that 10% -- wait a minute.

Karl Moritz,
You create 10 market rate units for every one workforce unit. That's why 19 --
Councilmember Subin,
No, that's not what Mr. Silverman said. Wait a minute, no, that's right. You're not creating -- you're not creating...

Karl Moritz,
You're creating new markets --
Councilmember Subin,
You're not creating new.



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1
2 Karl Moritz,

3 No, but for every market rate unit there is -- every 10 market rate units there is one
4 workforce unit. And that's why if each market rate unit is subsidizing by \$19,000, the
5 total subsidy is \$194,000. And that's why these two numbers work...

6
7 Elizabeth Davison,

8 I believe most of that is actually going to support the MPDUs. And my concern is that if
9 you don't have the extra profits from the market rates that goes to the MPDUs -- this is
10 why it won't work.

11
12 Karl Moritz,

13 What we don't have here is how much the market rate units are subsidizing MPDUs.

14
15 Councilmember Subin,

16 Well, then...

17
18 Elizabeth Davison,

19 Is it all the workforce...

20
21 Councilmember Subin,

22 Then this table isn't -- this table doesn't help. It may be a break-even there but it doesn't
23 show what the increased price is for the market to subsidize the MPDU. So, you could
24 actually be up not \$19,000 a unit in additional costs, you could now be up, I don't know,
25 what, \$50,000?

26
27 Karl Moritz,

28 Do you have an estimate of what market rate units are currently subsidizing MPDUs?

29
30 Elizabeth Davison,

31 Well, we haven't -- we've looked at a lot of individual cases that have come up but...

32
33 Councilmember Subin,

34 Well, just -- just as an average. Just -- I know it doesn't -- it's not going to work project
35 for project, but just roughly...

36
37 Elizabeth Davison,

38 It looks -- in the cases we have looked at, it seems that the -- each MPDU is
39 somewhere about 125, \$150,000 less than what it costs to produce it. So, the -- if you
40 have seven market rate for one MPDU, you'd have to have, I guess, split -- what's the
41 math -- roughly \$20,000 a unit.

42
43 Councilmember Subin,



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1 So, you're up \$40,000 on a market unit to subsidize the other public policies. That's
2 without the additional recordation taxes. That's without whatever other impact taxes
3 there might be.

4
5 Karl Moritz,

6 I guess the last wrinkle is what exactly -- what do we really expect for those units, the
7 market rate units to sell for. They may sell for 469. They may sell for a different number.
8 It might be a higher number. And this is just simply a -- this does not reflect market
9 reality. It reflects what the purchase price would have to be to make the calculations
10 work.

11
12 Councilmember Subin,

13 If you double the price of that house, you're doubling the subsidy?

14
15 Karl Moritz,

16 Well, if you doubled the price of the market unit -- everything above 469 is additional
17 profit.

18
19 Councilmember Subin,

20 Not necessarily true. It depends on how much the person paid for the land.

21
22 Karl Moritz,

23 Well...

24
25 Councilmember Subin,

26 Which is -- which is the real driver in all of this, the price of the land, not the price of that
27 house itself.

28
29 Karl Moritz,

30 That's true.

31
32 Councilmember Subin,

33 There are marginal differences in the price of a house from one area to another, but
34 there are major differences in the price of the land, which is the driver here.

35
36 Karl Moritz,

37 That's a major point. In all of these scenarios...

38
39 Councilmember Subin,

40 The price of construction is going to probably be about the same.

41
42 Councilmember Silverman,

43 It's going up.



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1 Councilmember Subin,
2 But it's increasing...

3
4 Councilmember Silverman,
5 I mean the -- the concern that's been expressed to us since the legislation was
6 introduced was even the scenarios that have been reviewed -- and they're really on
7 Circles 36 and 37 -- even the scenarios that were reviewed have been outstripped by
8 higher construction costs. And so we've got folks who have come to us and said we
9 need to get these -- we need to structure this the way the MPDU program was
10 structured, which is you want us to build workforce housing, we want bonus market rate
11 units, but that is not the Committee's position at this point. If we went with the position
12 that Park and Planning has taken, we're moving even further in the other direction.

13
14 Councilmember Subin,
15 Well, that's -- that's my fear. And Mr. Leventhal's point. While on a house-by-house
16 comparison, if you look at the whole picture, makes it even worse. Because as those
17 prices go up it's going to be harder to get to the workforce and MPDU levels that people
18 can get into the market, which means the subsidies are going to have to be that much
19 greater.

20
21 Linda Alford McMillan,
22 Actually, I think it's -- if I could just target you to Circle 37, because Mr. Smart has
23 highlighted Table Number 16 on Circle 37, and this is in the 12-floor condominium unit
24 scenario. What I will say is that at the time that Mr. Smart completed his scenarios I
25 think there was a general agreement that they were reasonable assumptions out in the
26 marketplace at the time. And I think the thing that we have to be very careful of is that
27 the marketplace changes month-by-month and, in fact, workforce housing by the time
28 these units come on, once you consider what the grandfather clause is, is actually very
29 prospective. So it could be very different from the scenario today. We don't know what
30 will go up and what will go down. But the time that Mr. Smart brought the scenarios to
31 the PHED Committee I think there was general agreement actually that they were quite
32 representative of what was going on in the marketplace. We may like or not like some of
33 the issues related to costs or to profit or to return on dollars, but it was I think agreed
34 that it was represented. Some of these things have changed in the last month. I think
35 that's some of the comments you've heard. But what you will see on the bottom of Circle
36 37 is that when the Committee looked at a variety of scenarios for these high-rise
37 condominium units that you had a range and that Scenario 12, which was to have a
38 neutral economic impact, but to allow the workforce units to be in addition to what would
39 already be approved, you actually could do that without having a cost shifting either to
40 the other units or to profit or to land cost or to a different public subsidy. You will see an
41 increase as a percent of the total market rate. There is no increase. Then you move
42 down the line and what you have is the larger shifts as you target the units to people of
43 a lower average median income and don't allow market rate units to offset it. And the
44 discussion that the Committee had, I think, is sort of what is the level because this is



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1 very fluid. And when we're talking about something where the shift is maybe showing up
2 in this very defined, very detailed economic scenario that has been brought -- when you
3 talk about shifts that it might be like 1%, that may or may not be something that
4 happens. About you're talking about a shift that is 4%, how much more likely is that that
5 something will occur? So, I don't want to speak for the Committee, Mr. Silverman can
6 speak for them. I think the general thought was that when the workforce units were
7 allowed to be added as additional units it either came out in this particular analysis as
8 being feasible or as being within sort of that 1%, maybe 2% kind a shifting. There are
9 scenarios that we looked at where the workforce units were a neutral economic impact,
10 but there was an agreement that the marketplace doesn't allow any -- like the rental
11 units, they're just not feasible, given construction costs and land costs, whether there's
12 workforce housing or not. So there's that other issue in addition to that. But in terms of
13 adding the workforce units, I think the general consensus of the Committee was that
14 when we looked at adding the workforce units we were generally looking at shifts of
15 maybe 1%, maybe 1.5%. And that that was something that was reasonable to think
16 could be fluid either way. And by the time these units come on, there may be no
17 economic impact there, may be a bit of economic impact, and those things will have to
18 be addressed. I think the scenario that you look at in Table 16, and the shift is now
19 coming out in the analysis to be about 4%. The judgment was it was more likely there
20 would have to be a subsidy by the market rate units. And that got the company to their
21 recommendation.

22
23 Councilmember Subin,

24 I'm not questioning Mr. Smart's numbers at all. Nor the assumptions that are going into
25 Table 16. I'm questioning the policy decision by the Board that gets you to Table 16. I
26 mean -- I understand what you're saying, but they don't -- that they're worried about that
27 increased density. And that is certainly a valid concern. In terms of what the
28 infrastructure and everything else is -- is going to be able to accommodate. The problem
29 I have with that is that at the end of the day I don't know that that solve the problem that
30 we're trying to solve. And if you looked at Mr. Leventhal's issue, it makes it even worse.
31 Because we're looking -- and with the schools, we're looking 20, 22% construction
32 inflation a year. Now, I don't know how that's fitting the housing market, but every time
33 we ratchet down -- and while I am rabidly in favor of what we did in terms of reaffirming
34 the Ag Reserve program, the fact of the matter is that it has a market impact and raises
35 the prices because of the price and availability of buildable land. And what's happening
36 here with -- with the policy coming out of commission is it further aggravates that
37 because of that simple law of supply and demand. Mr. Leventhal's issue about the
38 natural construction inflation, which will increase that debt delta and so you're going to
39 be somewhere cutting more people out of the market. And I'm concerned that at the end
40 of the day, we're passing a policy that sounds great and does appeal to a sector of the
41 population and does get us to have more teachers and firefighters and police officers
42 living here, but drives another group out of the County. So, in terms of road traffic and
43 people moving to West Virginia and Carroll County and Gettysburg or whatever, we end
44 up in the same place. That's what I'm -- that's what I'm concerned about with the policy.



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1 And it's -- it's the issue of what -- what do you force that subsidy to be? And then how
2 many more people are out of there? So, Karl, if they could go back and -- I'm not asking
3 them to revisit the policy, but look back at some of those assumptions and see if that
4 gets them to some other place. That's all. I understand what they're saying. And it's --
5 it's perfectly valid, but as with any public policy, there are a lot of trade-offs here.

6
7 Karl Moritz,
8 Okay, thank you.

9
10 Council President Leventhal,
11 Mr. Knapp?

12
13 Councilmember Knapp,
14 I was originally -- I think Mr. Silverman was suggesting we were going to have some
15 brief overview and I was looking to that before I had a couple of questions, I don't know
16 who was supposed to be providing that? I thought -- is that the consultant at the end?
17 Mr. Smart? Then just give us a couple of minutes. I want to hear the background on the
18 analysis.

19
20 Eric Smart,
21 Eric Smart with Bowl and Smart Associates. Yes, we've met with the PHED Committee
22 and I'm interested to listen here because the complexities are starting to break through
23 and the difficulty at interconnecting them. So, I applaud the Committee's effort to take
24 those on. We have done over 20 different analyses, which only scratches the surface of
25 the number of scenarios. And Linda said that while the various tables you see do seem
26 very definite, they come with a number and a series of numbers. They are illustrations
27 and fortunately most of the people who have reviewed that have been sympathetic that
28 that's what they are. There is a bundle of inputs that are represented, some which are
29 harder and some which are softer. And as those are put together, that's what these
30 tables have represented and have been summarized in various forms. So, I would be
31 echoing really the summary that Councilman Silverman -- a Councilmember last week
32 did, as well as reiterated today. The -- within the bundle of inputs, when I speak of the
33 soft ones, they're not necessarily soft in terms of some of the policy implications,
34 though, or let's say policy interface, maybe -- they do have implications, but they
35 interface. Some of them discussed here that are relative to density. But there's others
36 that we tested, as well. We tested the very major one that -- the Linda referenced a
37 moment ago and the first column on page 37. That is what is the policy with request to
38 what qualifies as the income level that supports the purchase or the rent? What
39 fortunately is the case in this region is that there are pretty high income levels at the
40 percentages which are described here, which the Council has addressed last time, as
41 well. That is an important variable, though. And none of them can be taken in isolation.
42 You move some of these around and the public interface -- public policy interfaces with
43 respect to the decisions which you see in later parts of the bill for income, decisions
44 relative to unit size. Decisions relative to what kinds of costs are assessed against the



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1 unit. Much of the same dialogue that's occurred with the MPDU procedures and policies
2 over many years. I'd like to also, perhaps it's a qualifier of the collective analysis and
3 discussion, but there was a lot of discussion with respect to what is the combination of
4 the impact of the MPDU requirements and layering on the workforce? And from an
5 analytical standpoint it was convenient and it was actually asked of us to look at a base
6 case, assuming that the MPDUs were already offset. The cost of them was already
7 offset. By virtue of the other provisions and the legislation being in place a long time. I
8 mentioned that now because it's an important aspect -- it's an important assumption,
9 important policy, I suppose, if I could presume that to say for your consideration,
10 because if the consideration of accommodating the workforce units is to revisit the
11 economics of the MPDU that would be fine. But the MPDU requirements are already in
12 place and have been for many years. From an analytical standpoint and conceptual, I
13 hope it can be appreciated, that we concurred that a base case -- a starting point would
14 be to say there is economic feasibility with the basic provisions for the MPDU. Is that
15 true with all the changes you've discussed with increasing construction costs, perhaps
16 the flattening in the market? That can be debated, but it is representative of a base case
17 and the market needs to adjust. The respective implications are -- and as you've seen in
18 this the worst case for being able to achieve economic feasibility or neutrality is with the
19 highest cost kind of units. And I think everyone has seen that when you move above
20 four floors and move into and higher cost construction and below grade parking, the
21 costs get dramatically higher. And without the ability for units to get smaller or for
22 income limits to be treated differently and even with those modifications on the policy
23 side with respect to workforce units, you quickly move in to a territory of questionable
24 feasibility. That's illustrated in the various summaries and the analysis which was
25 completed. That's an important distinction. Not one kind of policy can necessarily apply
26 to all situations, but the ones you're looking at today are the most challenged or at least
27 the ones that have been referenced as high-rise with tight site characteristics. If I could
28 offer one other point of concern we weren't asked to address, but in translating a static
29 analysis that is always going to be different, where I started off speaking to the bundle
30 of inputs, that we can be -- I say we collectively -- can be kind of lulled into thinking that
31 past performance suggests that there is ability to absorb costs in the future. But if we
32 are looking at the past, we can appreciate there's been a lot of escalation in values. And
33 developments have been able to absorb certain overlays as those higher end pricing
34 have permitted, frankly, pro formas to -- to take on the extra costs. And the cautionary
35 note that we can't predict when it would occur, but if there is a retreat in terms of the
36 escalation in pricing and you don't have a retreat in the other prices, at least not in
37 comparable manner on the cost side, there is a serious block that one runs in to and we
38 could quantify that, we weren't. I hope you don't mind me adding that to our
39 commentary, because whether it's in Montgomery County or other jurisdictions we work
40 in that's our biggest concern. That the hindsight suggests that these things can be
41 absorbed, but if you turn the numbers around a little bit it gets very difficult. Perhaps I
42 could answer specific technical questions, it's easier to defer it to you in terms of
43 generalities.
44



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1 Councilmember Knapp,
2 I appreciate that, I just want to try to get the overview. I just had two quick questions.
3 First, Mr. Subin raised the notion of the density and, Karl, you suggested that the
4 Planning Board was not in support of this because it increased density in the areas
5 potentially above what was master planned. And one of the conversations we've had a
6 lot in the master plans that we've done is, near as I can tell, we've never achieved a
7 maximum density in any zone. That comes up a lot. I don't know if we have or not. I
8 guess that's my question. Have we ever achieved those maximum densities? That's my
9 first question.

10
11 Karl Moritz,
12 Yeah...

13
14 Councilmember Silverman,
15 One time back in '78.

16
17 [LAUGHTER]

18
19 Councilmember Praisner,
20 [INAUDIBLE]

21
22 Karl Moritz,
23 I don't have the numbers with me, but, yeah, we have. And it's been in it the more
24 recent past than in the last past. But I would happy to provide you...

25
26 Councilmember Knapp,
27 That would be something to see, because of what we can talk about if we don't usually
28 achieve those maximum densities. then I don't think that that's a -- I wouldn't see this...

29
30 Councilmember Silverman,
31 I'm sure people will want to chime in or whatever, but I know we had the discussion
32 most recently about what's likely to get built versus what the zoning allows.

33
34 Councilmember Knapp,
35 Exactly.

36
37 Councilmember Silverman,
38 In connection with the Shady Grove Master Plan.

39
40 Councilmember Knapp,
41 We've done it all of them, Damascus, Shady Grove and Olney. That's come up in all
42 three of those, especially as it relates to the Town Center.

43
44 Councilmember Silverman,



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1 The biggest issue that -- or question that was on the table in Shady Grove was are there
2 really going to be 6,000 housing units created here or not? But we predicate our -- well,
3 we will see whether it happens or not. They're all going to the East Village. But you raise
4 a very good point, and again, to put this into context, the Planning Board estimates from
5 Sharon, in terms of what is this going to produce, I think were something in the range of
6 I want to say -- is it in here? I think it was like 2,500 units or something, countywide. I
7 will continue to call this a modest step. You know, but still a step nonetheless, so, if the
8 concern is -- this is my observation -- I can understand a concern about significant
9 increases in density if you were talking about taking a building that was 12 stories and
10 saying it is not going to be 18 or 24. But we're talking about a truly small number of units
11 building by building. And so that's what -- I do understand that we have a master plan
12 and you get MPDUs above that. You know, above whatever theoretically you'd be
13 getting and this is on top of that, but that's why it's drafted to address not the wide open
14 spaces of the county but, in fact, areas where people have gotten used to the concept
15 that there's a building there. And the question is, is there a building with another floor on
16 it?

17
18 Councilmember Knapp,

19 Right. Okay. The second question I had was -- and this is probably a little more
20 convoluted, and may be just I've misinterpreted something. A couple of years ago, I
21 guess, Arlington County's MPDU law was struck down. And as I understood one of the
22 rationales for it being struck down was because it didn't provide a density bonus and
23 effectively became the equivalent of a taking. Because it mandated that the developer
24 build something without being able to offset the price. And so it seems to me -- I mean I
25 just assumed that if we're going to do workforce housing, just to kind of stay consistent,
26 since we already have the MPDU program, you would almost have to do it in an
27 economic neutral fashion, just for it to ultimately be legal. Otherwise you -- it would
28 seem to me that you would end up running into the same situation that Arlington County
29 did, which you force someone to do something at their cost, which became, again, a
30 taking. So, I don't know -- I put that out there to the panel for some type of comment.
31 Have I totally misinterpreted something? Or do we run into a legal issue if we do
32 something that's not -- that requires a market subsidy as opposed to taking the more
33 economic neutral approach?

34
35 Mike Faden,

36 Different lawyers will differ on that and certainly Maryland laws...

37
38 Councilmember Silverman,

39 Well, you're the only one we've got here.

40
41 [LAUGHTER]

42
43 Multiple Speakers,

44 [INAUDIBLE]



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1
2 Mike Faden,

3 But -- Virginia law is different from Maryland law -- but our view is that this does not rise
4 -- the requirements in this bill don't rise to the level of taking. They do require
5 developers to do more, but the developers still retain economic value in their property,
6 which is standard for the taking. It's a somewhat low standard, actually.

7
8 Councilmember Knapp,

9 So, when you say "as approved by the Committee," which the Committee took an
10 economic neutral approach...

11
12 Mike Faden,
13 Right.

14
15 Councilmember Knapp,

16 So, that is okay, but if we had gone in one direction or another...

17
18 Karl Moritz,
19 I think we're okay.

20
21 Mike Faden,

22 I'm not saying -- if you took the recommendation of the Planning Board, that's a more
23 strict provision. I would think even that would even constitute a taking.

24
25 Councilmember Knapp,
26 Okay, thank you.

27
28 Councilmember Silverman,

29 I know there's other questions, if I could. We could get in as much details of like pages -
30 - whatever it is, 62, 63 or whatever, which are the -- literally the line-by-line if people
31 really want to get into it. But I do want to ask Mr. Smart to address the profit side,
32 because I pulled out my notes. There's an 18% profit built in on these charts. And my
33 notes indicated that that was sort of in the mid-range of what is sort of a prevailing
34 practice, because I think what we touched on, when Mr. Subin was asking, was about
35 the issue of are you going to transfer -- I mean one of the ways to get to the same place
36 would be transfer cost to market rate units to have them effectively cover costs
37 associated with workforce housing. Another way is to get into the details of the
38 assumptions that are built in and say, "Well, wait a second, why is the development
39 profit 18% on these units?" And I'd like to ask Mr. Smart to talk about that.

40
41 Council President Leventhal,

42 Before we do that, Mr. Smart, just very quickly, let me just state for my colleagues'
43 information, we're going to conclude this conversation at 11:55. At which point we will
44 go back to the regulations on telecommuting for comments by Mr. Denis. That will allow



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1 the Council to adjourn -- to recess at noon. So, just as you're figuring out how much
2 time you need for questions and how to allocate the remaining 30 minutes, be aware
3 that we will end this conversation at 11:55 and resume it on July 11th.

4
5 Councilmember Denis,
6 Is that the five-minute rule?

7
8 Councilmember Praisner,
9 You've been put on notice, Howie.

10
11 Eric Smart,
12 I'll answer the question regarding the profit at 18%. The PHED Committee discussed
13 various line items like that which -- a word for it is can you "compress." Is there
14 compression that could take place in any one of the variables that are softer, or soft
15 cost, even, which the profits can -- some people would say constitute, or are at least a
16 part of it. It's not paying a contractor to put the foundations in. The short answer to the
17 18% is that it is reflective of market requirements. That was prevailing during, as I
18 mentioned before, to a positive marketplace. The possibility to compress that --
19 meaning lower -- is not one to confidently predict at these times. And I think you will find
20 others are suggesting that that rate goes up somewhat. These rates are linked to the
21 cost of the equity. They are partly related to the costs of debt and entering into a -- take
22 the example before us of a 12-story condominium in a price-sensitive marketplace, with
23 all the risks associated with the construction costs. These are the kinds of yields that
24 need to be not insured -- because they're not -- but they need to be the targets which
25 are part of what predicate the decision to go forward. And our concern at this point, if we
26 were to redo the snapshot from January through March, is there would be industry
27 concerns, response, reaction, to say that 18% might be somewhat low. We could go
28 into how you tabulate and 18% yield versus -- or profit, versus a 10% or a 25%. But we
29 need to understand in shorthand it's a measure of risk and the ability to attract capital.
30 And it cannot be understated, the risk associated with large buildings of this nature.
31 They all have to build at the same time and any visits to the coasts of Florida or the Gulf
32 will show over time that a lot of these buildings have not proceeded as successfully as
33 they might have. So, I could not -- we couldn't possibly show substantial compression in
34 that, otherwise the building would not proceed.

35
36 Councilmember Silverman,
37 Okay, if we could, before we...

38
39 Councilmember Praisner,
40 Ms. Floreen.

41
42 Councilmember Silverman,
43 Ms. Floreen. We haven't heard from HOC and I think we ought to at least hear from
44 them on whether, in terms of their position, you're a non -- a "not for profit," but in terms



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1 of the issue of your ability to do projects like this with the density options that are here
2 before us. That which is in the bill and then Park and Planning's position.

3
4 Scott Minton,

5 Oh, I think from what we do -- and we're in the position that we depend very much on
6 debt equity or debt rather than equity, except for tax credit equity, which is a different
7 issue. That we need the market rate units to support, in the rental world, the affordable
8 units, the MPDU units, the tax credit units. Strathmore Court, which is in a fairly high
9 rent area, has good, strong market rents, subsidizes the 50 tax credit units to the tune of
10 about \$225,000 a year. That's both debt service and operations. If we added to that mix
11 a, 10% of the units, that would be 15 additional units for that property that were below
12 market, it would be a real strain. So we would love to do Workforce Housing, but we
13 think we need the additional density. One of the discussions on density that tickles me
14 is that the total amount of density that we're talking about adding to Workforce Housing
15 is less than three-quarters of one percent of the existing units in the County. They're
16 more concentrated in the urban areas, but the 2,500 units that this would produce over
17 time, I think, would be imperceptible. But I think from our point of view if we were going
18 to build a new property with Workforce Housing we would come in and say we had to
19 have density -- we'd like to have the market density on top of that. But we would have to
20 have at least additional units for the Workforce Housing units.

21
22 Councilmember Praisner,
23 Okay, Ms. Floreen you're next.

24
25 Councilmember Floreen,

26 Thank you, I'm going to be brief, because I know we have a lot more to get through, I
27 think it's important to recognize we worked through a lot of scenarios with Mr. Smart in
28 the Committee session. And there are so many variables there, all of which are
29 assumptions. They're based on assumptions that we have heard from members of the
30 building community, at least, that we're building in infeasibility in high-rise construction
31 with this requirement with additional density. So I think, I wanted to comment that I think
32 what we're recommending is really walking a tightrope between achieving additional
33 public policy objectives, which has a marginal, I think, impact on master plan objectives
34 while trying to actually get it done, Which needs to permit at least some of the flexibility,
35 some of the tools that we have developed in the MPDU program. That's the challenge,
36 what we've determined certainly that asking doesn't work, we need to regulate to
37 achieve this policy objective. But the math isn't certain and the real issue ends up being
38 what's financeable out in the marketplace, and we can't control that. And what's a little
39 scary, frankly, is the fact that the marketplace is changing so rapidly right now. We don't
40 know what those assumptions are going to be in the long-term. They're all going to be
41 different. The cost of money and cost of land, and certainly as interest rates change
42 every single variable in Mr. Smart's analysis could change. Isn't that right? So I think
43 that is the challenge of working through this. It is not precise. It's based on assumptions
44 and you have a balance the priorities here. That's all, thanks.



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Councilmember Praisner,

Just for the record, I want to note as we move onto the next item that in the Committee's discussions that this issue of density was a 2-1 vote, and that I agreed with the Planning Board. That especially based on documentation that we have been provided about profitability issues, which I think 18% may be one document which makes an assumption at the time of construction issues, but as we know with development, especially at this point in time, profit today of 18% appears to me to be profit tomorrow of much more than that. I think that the price escalations that we've seen demonstrate that. So let's move onto the next item.

Councilmember Silverman,

Thank you, Ms. Praisner. We're onto Number "H," should the law allow alternatives to provide Workforce Housing units on-site. Committee unanimously recommended allowing alternative site locations for garden stick built apartments as well as high-rise units. We deleted option two, which would have allowed buying and rehabbing existing market rate units in response to concerns that an already affordable unit could be converted into a Workforce Housing unit. We want to make sure we're getting additional units not just replacements. And the alternative unit must be the same type of unit that would have been provided on-site in terms of rental, condo, or number of bedrooms. And this is very key, if the Workforce Housing would require a change in construction methods, in other words going from stick built to high-rise, this would be a reason for allowing units to be built off-site. That was a unanimous recommendation. We're onto number nine. Should rental projects be exempt from providing Workforce Housing. Committee unanimously recommended not exempting rental projects from the Workforce Housing requirement. Terms of price and rent control periods. This is item ten. The legislation, the Committee recommended 2-1, with Ms. Praisner dissenting, increasing the control period for sale units to 20 years. Ms. Praisner indicated she wanted a period longer than 20 years. The Committee was unanimous in recommending a 99-year control period for rental units, and we unanimously agreed that, as with MPDUs, the Department and HOC should have the right of first refusal to buy a workforce unit when it comes on the market.

Council President Leventhal,
Ms. Praisner.

Councilmember Praisner,

I just wanted to indicate that I saw no reason to have different numbers from where we now are with MPDUs. And I think it will be easier to monitor, maintain, from a staff perspective, I think, talking about keeping track of the separate kinds of requirements and implications. And that's why my view, and I wanted to make sure it was clear, because it looked like I was, in dissenting, opposing the increase to 20 years. I'm okay with increasing to 20 years, I just think that's not adequate and it should be consistent with the MPDU program.



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1
2 Council President Leventhal,
3 Do we do 30 for MPDUs?

4
5 Councilmember Praisner,
6 Yes, my preference is to do 30 with these as well to have uniformity.

7
8 Council President Leventhal,
9 So, we could -- I don't know if you were proposing an amendment to that effect?

10
11 Councilmember Silverman,
12 At the appropriate time, right?

13
14 Multiple Speakers,
15 At the appropriate time.

16
17 Councilmember Praisner,
18 At the appropriate time I will.

19
20 Councilmember Silverman,
21 Right. Okay, Equity Recapture, part of the issue here is, okay, unlike the MPDU
22 program you're basically going to be telling people they're being locked into higher units
23 for longer periods of time than they would any market rate units. Those are obviously
24 the tradeoffs but the idea is to create some opportunity for equity sharing. This would be
25 done through the regulatory process when we would do regulations, rather than through
26 legislation. We did unanimously agree that the basis for equity sharing should be the
27 original appraised market value rather than original sales price, and that we would
28 expect that language to be in the regulation. Ms. Praisner noted that she does not
29 support an equity sharing formula that would require the use of public funds, which, I
30 guess we'll deal with that when we get to that point in the regulatory process. We also
31 recommended unanimously, as with MPDUs, that the regulations should specify the
32 owner must not refinance for more than the DHCA approved sales price So that you
33 don't have a situation where somebody can, in effect, take advantage of an escalation
34 that's going on above and beyond what DHCA has approved as a sales price.

35
36 Council President Leventhal,
37 No lights.

38
39 Councilmember Silverman,
40 Okay. Item 12, definition of "built," does it require the unit to be completed. We're
41 keeping the language as it is. We don't envision this is likely to be an issue, because
42 since these are likely to be multi-family buildings that all of the units will be built pretty
43 much at the same time. And we didn't see a reason to change the legislation as
44 introduced. Should Workforce Housing units pay...



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1
2 Council President Leventhal,
3 Mr. Knapp. Mr. Knapp has a question.

4
5 Councilmember Silverman,
6 Oh, sorry.

7
8 Councilmember Knapp,
9 This doesn't really fit in anyplace, but it kind of fits in as "when they get built." One of the
10 issues we have seen as MPDUs have been constructed is, or at least we're starting to
11 see at least where I represent, the lack of parking because we have fewer parking
12 spaces associated with MPDUs. Did we address that as an issue in this as to how many
13 parking issues would be accommodated for Workforce Housing?

14
15 Councilmember Silverman,
16 What is the, Karl, if you know, what is the current flexibility that the Planning Board has.
17 In other words they have flexibility with regards to MPDUs. Would it be necessary, if we
18 wanted to provide the ability of the Planning Board to do parking waivers in connection
19 with Workforce Housing. Do we have to do that separately? Do you want to get back to
20 us?

21
22 Karl Moritz,
23 I'll have to get back to you. I'm sorry.

24
25 Councilmember Knapp,
26 ...wrestling with it.

27
28 Councilmember Silverman,
29 Okay. Let's get back.

30
31 Councilmember Knapp,
32 Okay. So, and I'm not necessarily advocating that we allow for fewer parking spaces,
33 because that's the problem we're running into right now, is we're ending up with a lot of
34 on-street parking issues, because we don't have enough spaces in the parking lots,
35 because we don't have enough parking spaces, because they're MPDUs, because
36 there are fewer spaces required. And so it kind of have this big spillover effect. I
37 wouldn't want to exacerbate that with Workforce Housing.

38
39 Councilmember Silverman,
40 The legislation does not address one way or the other, in other words, it doesn't
41 expressly authorize either this in the Zoning Text Amendment a waiver of parking. The
42 question is that, but it doesn't mandate more parking.

43
44 Councilmember Knapp,



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1 Okay, well, we may want to come back and get some options to put that on the table.

2
3 Council President Leventhal,
4 Okay Ms. Praisner followed by Ms. Floreen.

5
6 Councilmember Praisner,
7 I just want to piggyback on that issue, we do have a PHED Committee discussion
8 coming up about MPDU and Affordable Housing Units and impacts and issues that
9 have arisen, including Senior Housing where waivers have been granted for housing
10 and now we have problems of parking and so there will be a discussion because I'm
11 having the same issue.

12
13 Council President Leventhal,
14 Ms. Floreen.

15
16 Councilmember Floreen,
17 I think it's important to just keep in mind we're talking about Metro Policy Areas here,
18 and there are some different commuting standards... trying to talk to Mr. Knapp on this,
19 some different issues associated with both the expectation of the need for parking in
20 Metro Policy Areas, and also the cost which is a significant contributor, because you're
21 talking about underground parking in many respects, or garage type structures which is
22 different from the more suburban issue that some folks certainly have. So, that's one of
23 the tradeoffs. It's not a one size fits all issue.

24
25 Councilmember Silverman,
26 Okay, we're onto 13. Should Workforce Housing Units pay County Transportation
27 School Impact Taxes. The majority of the Committee recommend exempting workforce
28 housing from those taxes as we do with MPDUs. Ms. Praisner thought we should treat
29 them like Productivity Housing which there would be a 50% impact tax.

30
31 Council President Leventhal,
32 Ms. Praisner.

33
34 Councilmember Praisner,
35 Yeah, I think it would be helpful for us to have for action. I'm not sure whether I'm going
36 introduce that motion, but to remind folks of the housing prices, assumptions for
37 Productivity Housing where we require 50%, and what would be associated with
38 Workforce Housing, which I believe would be, and the dynamics of those income levels
39 in that variability as far as impact taxes are concerned.

40
41 Council President Leventhal,
42 Mr. Subin followed by Mr. Knapp.

43
44 Councilmember Subin,



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1 Thank you, I'm not going to get into the issue of what it should be, but I think it's
2 extremely problematic to exempt them from housing, from transportation especially from
3 school impact taxes. I mean we're looking at a population that is going to tend to be
4 younger, and have kids at a greater proportion than some of these others, and if there's
5 anything we've learned over the last couple of years is that as people have moved in,
6 and as neighborhoods have turned over, and now we're not talking about turnover
7 neighborhoods here, we're getting families in with kids. And the impact on the schools
8 that may only be the 2,500 units, but they're going to tend to be concentrated in urban
9 areas. And so those will be 2500 units extra in areas where the schools are already
10 pretty well filled up. Now Mr. Leventhal and I are working with the school system to
11 eliminate the trailers now that we have some breathing space and can build... additions
12 instead of new schools but this is going to create some more upward pressure and so
13 how do we address that pressure? I'm not sure why the Committee would want to.

14
15 Councilmember Silverman,

16 Well, let me just comment by saying among other things we can't do it in this legislation
17 anyway.

18
19 Councilmember Subin,

20 Well, but you made the recommendation Steven.

21
22 Councilmember Silverman,

23 Right. Right, but the, we will not be, unless you're telling me something otherwise. We
24 won't be voting on that.

25
26 Mike Faden,

27 We need a different bill.

28
29 Councilmember Silverman,

30 Do we need a piece of, I'm not disagreeing with the fact that the issue there it came up,
31 but we wouldn't be voting on it such time as somebody introduces a piece of legislation
32 to create either an exemption or different standard. Until that point...

33
34 Councilmember Subin,

35 I guess it won't be Ms. Praisner or me.

36
37 Councilmember Silverman,

38 Right.

39
40 Council President Leventhal,

41 Mr. Knapp was next followed by Ms. Floreen. That's about going to wrap it up.

42
43 Councilmember Knapp,



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1 It's going to be close. Did the Committee actually have any economic analysis done as
2 to what the impact, what the potential impact on the housing price would be if you were
3 to include any range of impact taxes?

4
5 Elizabeth Davison,

6 I think the numbers that Mr. Smart ran had a zero impact tax. So, you would have to
7 add those back in in either 50% or 100%, whatever you choose.

8
9 Councilmember Knapp,

10 You would assume that would be just a straight pass through so that if it was 50%, that
11 50% of the impact tax and whatever the impact, that it would take that number and just
12 add it on to the overall cost. We received something, I forget where it came from a
13 couple of weeks ago. But not a multiplier, necessarily, but that the impact of an impact
14 tax actually escalates over some period of time.

15
16 Mike Faden,

17 The tax rate is flat. Let me remind everybody that these projects will be in Metro Policy
18 Areas where the impact tax rate is much lower and some will be in enterprise zones will
19 there is no impact tax.

20
21 Councilmember Knapp,

22 All right, thanks.

23
24 Council President Leventhal,

25 Ms. Floreen is next.

26
27 Councilmember Floreen,

28 Yeah, the other thing. We really were trying to make this pretty consistent with the
29 MPDU ordinance. And that's when driving policy issues as well as the desire to support
30 incomes of different levels. We kept targeting back to balance sheet which one of the
31 objectives here is to provide a ranges of incomes to afford these units. The more we
32 add to the cost of these units, the more we may drive the income range that can afford
33 them higher, and that is part of the balance sheet that is based on x-teen assumptions.
34 How do you make it work?

35
36 Councilmember Silverman,

37 Okay, just a last couple items the calculation more MPDU include the Workforce
38 Housing units. That's item 14. The Committee recommended unanimously inserting a
39 conforming amendment in the MPDU law to clarify that the total number of units in a
40 project that's the basis for calculating MPDUs does not include any required Workforce
41 Housing units, so going back to the example that we've used of 100 unit building with 13
42 MPDU and 87 markets, the 13 MPDU are calculated on the 100 unit building not on the
43 109 unit building. Annual report Committee recommends DHCA submitted a annual
44 report on March 15th on number of Workforce Housing units produced and alternative



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1 agreements approved in the previous calendar year, and the Committee indicated that
2 when we look at regulations, we will then have a better sense about recommendations
3 for addition staff and operating costs. The Committee is recommending that the bill
4 require the County Executive to submit all necessary implementing regulations by
5 October 1, so that this Council can review them. The other piece, which we do not have
6 time for now, is the Zoning Text Amendment, but the, we'll have an opportunity
7 obviously to take that up when we come back, but I would recommend that we, it
8 sounds like what you wanted to do to have an actual voting session on July 11th.

9
10 Council President Leventhal,
11 That's correct.

12
13 Linda McMillan,
14 Mr. Silverman, in memo that you received to Friday, we had included a sunset provision
15 as we noted the last time that had been an issue that the county, that the Committee
16 had discussed that it was omitted from the packet. And so, on the back of the one page
17 that you got on Friday, there is a Council staff draft of a sunset provision. It follows the
18 grandfathering provisions that you'll consider, and then second thing that I did just want
19 to raise is that the Department has discussed with us some concerns about the October
20 1 date, and so we may wish to move that a bit. Maybe to like October 10th in order to
21 allow some flexibility and we can discuss that.

22
23 Councilmember Silverman,
24 That's fine as a practical matter. I mean it's a date in the legislation and if it isn't met...

25
26 Linda McMillan,
27 We'll come back to you with what the date is. One you take your action but it may not.

28
29 Council President Leventhal,
30 All right. Okay. Mr. Knapp?

31
32 Councilmember Knapp,
33 Just one quick question and doesn't require an answer today. The focus of this is a
34 Metro Station Policy Areas. We also have more significant transit areas that we hope
35 will be developed especially moving up the transportation quarter up to 70. I don't know
36 that there was any analysis done as to how many additional units might be added if you
37 look north of Shady Grove. Moving into where the Quarter States Transit Area may go.
38 It would be interesting to be able to look at that to see since the end of this only gets
39 2,500 units, which is good, but a modest proposal. Just to see what the potential
40 additional could be if you extended it up into the right [INAUDIBLE] along the Quarter
41 States Transit Way. Thank you, sir.

42
43 Council President Leventhal,



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1 Okay, and we are done for now with the Workforce Housing bill. We'll return to
2 consideration of that legislation on July 11th. What is now before the Council is item G,
3 which originally was listed as part of the consent calendar, it is action on Executive
4 regulation 8-06. The Telecommuting Incentive Tax Credit. The MFP Committee
5 recommends approval. We'll have brief description of it by Chairwoman Praisner
6 followed by comments by Mr. Denis.

7
8 Councilmember Praisner,

9 Yes, several years ago I asked then State Senator Chris Van Holland and current
10 Delegate Sheila Hixson to sponsor legislation in Annapolis that would be enabling
11 legislation for local governments, such that we could provided an incentive for
12 businesses that provide computers for their employees. After the second session, the
13 legislation did pass. The Council passed the bill that would allow us to provide a
14 personal property tax, business tax credit for home computers as a telecommuting
15 incentive. This Executive regulation implements the legislation and puts in place
16 structure that we have initially adopted for a business to, that has its employees
17 telecommuting to provide an annual personal property tax credit for that telecommuting
18 initiative. And it recommended by the Committee.

19
20 Council President Leventhal,
21 Mr. Denis?

22
23 Councilmember Denis,

24 Thank you, Mr. President and thank you for deferring this item. My southpaw was on the
25 DL for a couple of hours so very much appreciate it, but in view of the weather that
26 we've been having around here lately, I think the need for telecommuting is even more
27 apparent. In addition to its other attributes. It's also a backup system in case of any kind
28 of a disaster, natural or otherwise. On March 9, 2004, Councilmember Praisner and I
29 introduced Bill 6-04 to create a tax incentive for businesses to have employees work
30 from home. The bill approved by the Council on October 25, 2005, implemented the
31 County's authority under state laws, Senate Bill 244 to incentivize telecommuting. I
32 would like to thank the general assembly sponsors of this legislation. Congressman Van
33 Holland, who is in his final year as a State Senator from Montgomery County, and
34 delegate Sheila Hixson, who is then and still is Chair of the House Ways and Means
35 Committee. The bill we're filed, cross filed as they say and both passed and as always
36 seems to happen I railed against it when I was down there, but every Governor seems
37 to sign one identical bill and veto another identical bill. There's absolutely no legal
38 impediment to signing both, but for whatever the reason, the Senate Bill was signed.
39 Today, by passing the Executive Regulation following passage of the bill last year,
40 Montgomery County becomes the first subdivision in the state of Maryland to implement
41 this statewide bill. The legislation and now the companion regulation we're voting on
42 today, Executive regulation 8-06 will help encourage employers to allow workers to
43 telecommute by helping to offset the cost of computer equipment to be used by
44 employees. A support for this includes the County Chamber of Commerce and



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1 Bethesda/Chevy Chase Chamber of Commerce. Telecommuting has gained popularity,
2 it promotes a productive workforce and increases employee morale, often resulting in
3 higher rates of worker retention. Office distractions are reduced, hence more work time.
4 The telework movement has actually been around for the last 25 years, and has
5 become an option for some federal employees. There is now a federal law with targets
6 for the federal workforce in the appropriate departments and agencies. It needs
7 encouragement because it does seem to be counterintuitive to some. Overall, over 19
8 million people telework nationwide. That number is not only enormous, it is growing.
9 What's happened and in fact is happening is advances in information and computer
10 technology. The development of the internet has given some the ability to work anytime
11 from almost any place. Telecommuting help our traffic network and our environment by
12 eliminating vehicle trips from the road during peak hours. Reduction of just 1% of cars
13 on the road results in a 3% reduction in congestion, and I find this most interesting. As
14 you may know, Dr. Gridlock in the "Washington Post", Ron Shaffer, is retiring after 35
15 years. And in his final column in the "Washington Post" just this past Sunday, and in the
16 graphic that accompanied this column on the front page of the Metro section, Dr.
17 Gridlock, Ron Shaffer, listed telecommuting front and center, and in fact, it was featured
18 and he referred to it as the biggest hope for reducing gridlock as Ron Shaffer said, lies
19 and working at home. Executive regulation 8-06 requires that an individual must work
20 30% of the time at home for any tax year. 78 day for a full-time employee. Telework
21 programs offers parents a choice of providing care and supervision for their own
22 children without the concern of being unable to advance in their careers. It also
23 accommodated employees with health problems and elder care responsibilities. This
24 effort is fiscally responsible. There are limits to the tax credit offered for each business,
25 \$2,000 per year. There is also an overall limit to the amount of tax credits that can be
26 issued, \$100,000 in fiscal year '06, 175,000 in '07, and \$250,000 in '08. I would like to
27 again thank my co-sponsor of Bill 6-04, Ms. Praisner, and to Mr. Andrews, colleague on
28 the Management and Fiscal Policy Committee for his input as a colleague and
29 Committee member and the Council for its support of the bill last year. 6-04 the
30 Executive regulation, which we are passing today implements basically puts meat on
31 the bones. Without the regulation, the bill would not have much meaning. I would like to
32 thank Sonja Healy for her help in drafting the original bill, and guiding the Committee
33 discussion on the regulations, and again I want to thank the Montgomery County and
34 BCC Chamber of Commerce for their positive testimony in support of this measure.
35 Thank you, President.

36
37 Council President Leventhal,

38 Those favor of Executive regulation 8-06 will signify by raising their hands. It is
39 unanimous among those present. The Council is in recess until the hour of 2:00 p.m.,
40 which is when we'll begin the public hearing. 2:00 p.m.



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[MUSIC]

Councilmember Praisner,
Good afternoon, ladies and gentlemen, this is a public hearing on recommendations of the Charter Review Commission to amend the Montgomery County Charter. Amend Section 107 to provide that membership on the Council will be considered a full-time position for the purpose of determining compensation. Amend Section 208 to clarify the time in which the County Executive must approve or disapprove legislation enacted by the Council. In addition, the Council will hear testimony on any other aspect of the Commission's Report and any other proposed Charter Amendment. A Council work session is tentatively scheduled for July 11, 2006. Persons wishing to submit additional information for the Council's consideration should do so by the close of business Monday, July 3rd. Before beginning your presentation, please state your name and address clearly for the record and spell any unusual names. We have one speaker for this afternoon, Robin Ficker. I do not see Mr. Ficker. Okay, that concludes that public hearing. The next item is Agenda Item Number 17. This is the public hearing on resolutions to create three agriculture districts: the Richard and Nancy Biggs Farm in Damascus; the Berniece Doddy, et al, Trust Farm in Damascus; and the Lonny Luther Farm in Damascus. Action is scheduled following the hearing. Before beginning your presentation, please state your name and address clearly for the record, and spell any unusual names. Mr. Silverman, don't leave. There are no speakers. And this concludes the hearing. I would entertain a motion to adopt the resolution,

Councilmember Floreen,
So moved,

Councilmember Praisner,
Ms. Floreen. Is there a second?

Councilmember Andrews,
Second,

Councilmember Praisner,
Mr. Andrews. All in favor please indicate by raising your hand. That is unanimous among those present. Thank you. Item Number 18. Good afternoon, ladies and gentlemen, this is the public hearing on a Special Appropriation to the Montgomery County Public Schools' FY '06 Operating Budget for the 21st Century Cybercafe



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1 Learning Project at Rockville High School in the amount of \$240,400. Action is
2 scheduled following the hearing. Before beginning your presentation, please state your
3 name and address clearly for the record and spell any unusual names. There are no
4 speakers for this hearing and therefore I entertain a motion,

5
6 Councilmember Andrews,
7 Move approval,

8
9 Councilmember Praisner,
10 Mr. Andrews. Seconded by Mr. Knapp. All in favor, please indicate by raising your
11 hands? Unanimous among those present, it would indicate that the source of funding for
12 that item is a State Grant. Good afternoon, ladies and gentlemen, this is the public
13 hearing on a Supplemental Appropriation to the FY '06 Operating Budget of the
14 Department of Homeland Security for the National Capital Region Exercise and Training
15 Strategy positions in the amount of \$25,000. Action is scheduled following the hearing.
16 Before beginning your presentation please state your name and address clearly for the
17 record and spell any unusual names. There are no speakers for this hearing. The record
18 is closed. Again, on this as well the source of funding is Federal UASI, which is Urban
19 Area Security Initiative grant money, And I think this is the additional money beyond the
20 amount that was already approved. Mr. Knapp moves approval, is there a second? Mr.
21 Andrews. All in favor please indicate by raising your hand. It is unanimous among those
22 present. Good afternoon, ladies and gentlemen, this is the public hearing on a
23 Supplemental Appropriation to the FY '06 Operating Budget of the Department of Health
24 and Human Services, SDT/HIV Prevention and Treatment Program for Housing
25 Opportunities for Persons with AIDs Program Grant in the amount of \$467,060. Action is
26 scheduled following the hearing. Before beginning your presentation please state your
27 name and address clearly for the record and spell any unusual names. There are no
28 speakers for this hearing. I would entertain a motion. The source of funding for the
29 supplemental is a Federal Grant. Is there a motion? Mr. Andrews. Is there a second?
30 Mr. Knapp. All in favor please indicate by raising your hand. Unanimous among those
31 present. I think that completes the public hearings for this afternoon. And we are just a
32 little behind schedule. I would invite the members of the Planning Board who are here --
33 I thought I saw Mr. Berlage -- to join us at the table. I want to announce that Mr.
34 Leventhal has had an emergency at home, weather-related, and he is not sure when he
35 will be able to join us, if at all, this afternoon and expresses his regrets and apologies to
36 members of the Commission. Now, where -- did we lose Mr. Berlage? He was here a
37 minute ago. I know I moved through..,

38
39 Unidentified Speaker,
40 [INAUDIBLE]

41
42 Councilmember Praisner,
43 Okay, please do.



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1 [LAUGHTER]

2
3 Councilmember Praisner,
4 Welcome to all of you. It is good to see you all on this day of rain and weather and...

5
6 Councilmember Knapp,
7 At least it's not a Monday,

8
9 Councilmember Praisner,
10 It is not a Monday we have managed to schedule our conversation not when you need
11 to be otherwise occupied. Again, because of Pictron and our requirements for
12 identification, what I'd like to do is start with you, Mr. Bryant, and go down the table and
13 have each person introduce themselves so that we can appropriately identify the
14 speakers,

15
16 Allison Bryant,
17 Allison Bryant, Republican Commissioner, Maryland-National Park and Planning
18 Commission and Montgomery Planning Board,

19
20 Councilmember Praisner,
21 Had I known you were going to say that, I would have made you carry Mary's chair,

22
23 [LAUGHTER]

24
25 Councilmember Praisner,
26 Mary, do you want to introduce yourself and then we'll go to John,

27
28 Mary Bradford,
29 Mary Bradford, Director of Parks, Montgomery County,

30
31 Councilmember Praisner,
32 Good to see you, Mary,

33
34 John Robinson,
35 John..,

36
37 Multiple Speakers,
38 [INAUDIBLE]

39
40 John Robinson,
41 Good to see you. John Robinson, Commissioner,

42
43 Derick Berlage,
44 Derick Berlage, Chairman,



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Wendy Perdue,
Wendy Perdue, Vice Chair,

Meredith Wellington,
Meredith Wellington, Commissioner,

Farroll Hamer,
Farroll Hamer, Acting Director Planning Department,

Councilmember Praisner,

Thank you all very much. We have a different kind of report that you've prepared for us. My compliments to you on the variation. I know this is a work in progress and we will continue as Councilmembers indicate back and forth to provide feedback, which is what this is -- this meeting is to be about. I was commenting to someone recently that I think we need to work on ways in which we strengthen the dialogue opportunities that these meetings present rather than just a presentation of activities by you and a litany of questions and comments from us. So I think this document helps to shape what hopefully will be a much-improved conversation format. And I welcome the opportunity to do that this afternoon. And I know, especially that Council President Leventhal was disappointed he had to get called away, but we'll turn it over to you now, Chairman Berlage, and allow you the opportunity to start,

Derick Berlage,

Thank you very much. Well, you're opening comments were perfect because they lead into exactly what I and the Board would like to talk about. I do have about five or 10 minutes of introductory remarks that I'd like to make to set the stage. The lights are on, it's just that the...

Councilmember Praisner,

That one light doesn't light there should be a note there that says that, but if it doesn't...

Derick Berlage,

It says "The light is broken, so make sure the button is pressed,"

Councilmember Praisner,

Yes, okay, thank you. Go ahead. You're on,

Derick Berlage,

It is our great pleasure to be here today. And my pleasure to be here with all five Planning Board members to present you what we really believe is a landmark document for our Planning Department. For years you have asked that our agency establish a work program explicitly tied to the budget and we have done exactly that. And we plan to do exact the same thing for the Department of Parks at the next semi-annual report in



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1 October. I have some introductory comments, which are my own, but I want you to
2 know this report is very much a Planning Board document. We held multiple work
3 sessions and the document represents our best current thinking on where we are
4 headed as an agency. Before I get to some of the substance, I do want to extend some
5 thank you, certainly to Marlene Michaelson and Mike Faden and their colleagues here
6 for their spirited interest in all that is Park and Planning over the years. They have been
7 steadfast watchdogs and that has been good for us and you. And also the Park and
8 Planning staff, too numerous to mention by name, have all had tremendous input into
9 this document as well as the budget document that preceded it. And they have worked
10 tirelessly. We believe strongly that this new way of reporting to you will greatly help both
11 the Council and the Park and Planning Commission. I also want to thank my colleagues
12 who have put a great deal of time into this report and this effort. We are a Board. We
13 work as a Board. We don't always see eye to eye on everything, nor should we, but we
14 all care very deeply about the work of this agency. And it has been my pleasure to work
15 on this with them. Just a very short few comments about the past year before I talk
16 primarily about the future. We are enormously proud of the progress that Park and
17 Planning has made in the past year. There is, of course, no pretty way to characterize
18 the last 12 months. It has been difficult for the staff and everyone else. It is fair to say
19 that during the past year this agency was essentially picked up by the collar and given a
20 good shake. Shaken by Councilmembers, shaken by committed civic-minded
21 community members, Shaken up by Planning Board members. We've done our part and
22 even our own staff from time to time has helped in the shake-up. But as a result, we are
23 well on our way to becoming the most transparent, most technologically advanced, and
24 most detail-oriented planning agency in the nation. Of the 62 reforms that we promised
25 in our Management Improvement Plan, we have already instituted 46. Today is not the
26 day to talk about each and every one of those individual reforms, although every one of
27 them, I assure you is very important. Your staff does recommend that we come back in
28 the near future with a comprehensive update and we wholeheartedly endorse that
29 recommendation. But today the Board has two strong priorities, two strong objectives
30 that it would like to offer for this meeting. The first is to spend some time discussing
31 strategies, as Vice President Praiser so well described, describing strategies for
32 enhancing the all-important collaborative relationship that has to exist between the
33 Council and the Planning Board. Second, we'd like to spend some time discussing the
34 nine key crosscutting priorities that the Planning Board has set itself for the Planning
35 Department in fiscal 2007 and beyond. Let me start on the topic of collaboration. To get
36 the best and highest level of collaboration the Planning Board and the Council know we
37 must have more opportunities for open constructive dialogue. Some of you today we
38 know are going to ask questions about specific topics, specific areas of interest and we
39 welcome that. But we think one of the most important things we could do today is to set
40 the stage for better, more meaningful exchanges in the future so that we get the best
41 out of each of these semi-annual reports going forward. We think that some of our
42 future meetings may be best done in a more informal setting that fosters real dialogue
43 similar to informal meetings that you have sometimes had with other Boards and
44 organizations in the county. Of course, any such meetings would still be open to the



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1 public, but they could take new formats such as informal dinners, meetings in the
2 conference room or even at the Park and Planning headquarters. You may want to
3 discuss with us whether or not we should be reporting more often, perhaps a quarterly
4 reporting schedule rather than a semi-annual schedule, with additional time scheduled
5 for more in-depth conversation about specific areas of concern. The bottom line is we
6 know the county as a whole will benefit from additional discussion between the Council
7 and the Board. It is becoming more and more necessary for us to come together on a
8 more frequent basis to revisit goals and reaffirm priorities. On the subject of priorities,
9 this document is chuck full of a lot of information. But as a Board, we believe that it was
10 imperative that we set ourselves and communicate to you the nine -- as it turned out to
11 be -- nine key crosscutting priorities that we think weave through everything we do.
12 These are -- if you will -- our performance measures on how we want this agency to
13 work going forward. They can be found on pages 16, 17, and 18 of the report and I trust
14 you've had a chance to read them. So I'm just going to go over the nine very briefly.
15 First priority is taking care of our core responsibilities. In prior years we've often used
16 the semi-annals with wonderful PowerPoints to report on projects and studies that break
17 new ground. And that is important work. But the plain truth is much of the work of the
18 staff and the Board is about core responsibilities of writing master plans and processing
19 individual development applications. As desirable as it is that we continue to talk about
20 new tools and new policies, we believe we have to give our top priority to our core
21 duties. That's why this is the Board's first priority. The second priority is organizational
22 effectiveness. As important as choosing what work we do is making sure we do that
23 work well. We know that we need to focus and we have been focusing on management
24 structures, the training of staff, establishing performance measures and a wide array of
25 management practices that will maximize our effectiveness. And so in the coming year,
26 especially in the Development Review Division, the Research and Technology Center,
27 and the Director's Office, there's going to be a concerted effort toward improving
28 management and particularly in three areas, increasing the transparency of the
29 decision-making process, providing the staff with better technical support, and
30 improving records management. A third crosscutting priority is aggressive, effective
31 community outreach. as the face of Montgomery county changes, it is more important
32 than ever that we invest time and energy reaching out to the new constituencies that
33 reflect Montgomery County. Transparency should not mean welcoming the usual
34 suspects with welcome arms, although that is obviously important as well. But we must
35 expand our efforts to ensure that the many new and different faces of Montgomery
36 county are also involved in our land use decisions. A fourth key priority is quality of
37 design. We know that we are the primary watchdogs over how our built communities
38 look and feel, whether they're going to be pedestrian friendly and have great public
39 spaces for people to gather. Our job is to set the highest possible standard of design
40 and expect nothing less from those who are building in the county, in the public and
41 private sector. The fifth priority is public facilities. As we plan for and improve new
42 development, we must ensure that infrastructure keeps up. New growth has to correlate
43 with additional school capacity, transportation, fire stations, and so forth. Improved intra-
44 governmental coordination and additional attention to design standards will be needed



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1 to accomplish that. Sixth: growth management, to make decisions about future growth,
2 we ought to be assessing how we have done in terms of making predictions in the past,
3 how much traffic and how many students did previously approved developments
4 actually produce? Have our growth predictions be accurate? We want to assess the
5 county's past and planned growth to help clarify issues required attention. The last three
6 priorities are more specific in their focus, but very important. Number seven is the
7 Agricultural Reserve. The Board commends the Council for its recent action in
8 appointing a work group and we will absolutely actively support that working group. We
9 will also provide you with our own independent advice on key matters such as [child
10 lots] and the TDR program. Those are issues we deal with week after week. And
11 number eight, the expansion of location opportunities for religious institutions. As the
12 county grows we all know that property is becoming more and more expensive. For
13 generations, houses of worship have played a primary role in the lives of many, many
14 residents. We do have a responsibility to ensure that our planning for the future takes
15 into consideration the land needs the of those institutions. And as part of our concern,
16 we will all be attending -- or most of us will be attending your dialogue with the faith
17 community on Thursday. The last priority is Centers and Boulevards. We cannot
18 regulate tomorrow's growth using yesterday's tools. The future of the county, as we all
19 know, is Smart Growth, redevelopment, revitalization, and infill. The era of Greenfield
20 Development is pretty much over. In the early phase of our Centers and Boulevard
21 Initiative we called together some of the best minds in the field nationally and we have
22 learned a great deal. The next phase, we need to discuss how our master plans, our
23 zoning, and our implementation tools need to change to make the new paradigm of
24 development regulated as successfully as the old. This initiative is not, in our view, a
25 "nice to have" effort. It is, in fact, critical to the future decisions we will make and that
26 you will make. And then, in conclusion, these are actually very personal comments this
27 is not my last appearance before you, nor is it my farewell address, but it is certainly my
28 last semi-annual report. And it is not too soon to begin to take a moment to thank the
29 many civic, business, and government leaders that I have worked with over the years in
30 Montgomery County and especially in my time as Chair of the Board. The people in
31 Montgomery County take the work of the Planning Board very, very seriously. It is a
32 compliment, and as a result of their taking it so seriously, they hold us to very high
33 standards. I would not have it any other way. And I want to thank the community and
34 the Council for their tremendous attention to the work that we do, including the
35 constructive criticism when that was called for, which it certainly was at times. Also, of
36 course, I want to thank the staff at Park and Planning for their public service passion,
37 their steadfastness under fire, and their commitment to demanding standards of their
38 profession. Their work is present in almost every aspect of the great quality of life that
39 Montgomery County enjoys and I'm very proud to have had the opportunity and to have
40 the opportunity a little bit longer to work with them as Chairman of the Planning Board.
41 This job, indeed, has been a pleasure. Yes, I said a pleasure and I actually mean that
42 because our county's land use vision and the agency that helps you to implement it,
43 both I believe have a tremendous future ahead of them. This is the moment -- today,
44 and in the months coming up -- this is the moment to recommit ourselves to that vision



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1 of planning in Montgomery County, that vision of great state-of-the-art planning, to
2 become stronger through the lessons learned, and we look forward to doing just that
3 with you, both this afternoon and in the months and years ahead. Thank you very much.

4
5 Councilmember Praisner,

6 Thank you very much. I'll have some comments later for you, Mr. Berlage. Are there
7 others that any of the Commissioners would like to make at this point? Otherwise what I
8 thought we would do is take our cue from Marlene's packet and provide you an
9 opportunity, and us, to have a more organized conversation among the issues and
10 elements that she highlights, and then to see the extent to which we have forgotten
11 something or she has, to see whether there are other catch-all things that folks might
12 want to converse about. The first item that she talks about under the list or the
13 numbered items the issue of the master plan schedule. And I think, as this report is
14 always an opportunity for us to review the status of the master plan schedule, although
15 it is out of the sequence of the budget conversation, and I think that permeates to some
16 extent all of your reports, the point is we've already adopted the budget and pretty much
17 looked at the context of the budget and the work plan, To the extent it is the sense of
18 the Council that there is something else that needs to be done, it is either a take away
19 or an add-on. From a standpoint of financial add-on or take away from something that is
20 already previously planned. We had a conversation within the PHED Committee about a
21 variety of what one might call -- and I hesitate to use it because of connotations of the
22 fact that it has both generated some controversy and questions and because you're not
23 complete with your conversations about Corridors and Boulevards. And you've, in fact,
24 identified that as one of your activities of major work, but as we've had a conversation,
25 there are certain areas that cluster themselves around whether you call them a corridor
26 or a boulevard or a location. That is not a master plan area, not even a smaller section
27 of a master plan, a sub area. But there are areas where, within the Committee's
28 conversation and full Council's conversation, there was a desire for us to have a more
29 focused activity and one might call it a mini-master plan or a master plan discussed.
30 And that relates to White Flint, which we added; Battery Lane, which came out of the
31 Bethesda conversations when we chose not to do that piece of the master plan. There
32 have been other areas that have generated that kind of issue, or focus that folks are
33 concerned about. And I think it -- I guess for me the issue is one that then relates to the
34 amount of time that is associated with the master plan. From the gathering of staff work
35 that pre-dates it, to the community part of it, the presentation of a -- of a staff draft, the
36 Planning Board draft, and then the whole process. And the conversations that we had
37 the other day about -- an interest in looking at whether -- I guess we have the
38 conversations talking about the Wheaton Overlay Zoning Text Amendment, Farroll.
39 About how it seemed as if it didn't matter how big the area was, the time frame seemed
40 to be about the same. And it would seem to me that one of the pressures that is
41 generating so much zoning text amendment activity is, A: the inadequacy of our zoning
42 ordinance, and, B: the amount of time it takes to get a master plan started and an area
43 moving forward. So while we have this master plan schedule, which seems to adhere,
44 as we have in the past, to the schedule and the structure, I think we have to start having



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1 a conversation about both of those other things. The pressure from the zoning
2 ordinance that leads folks to introduce zoning text amendments, because master plan
3 amendments are not being done, and there is a desire to move more aggressively, and
4 this is a -- the only vehicle left short of a master plan is a zoning -- has tended to be a
5 zoning text amendment change. And the fact that we're still talking or should be talking
6 about an area, not one property, but we're not talking about a "green grass of home"
7 that is going to change its appearance dramatically by development that doesn't exist
8 already. Which says, from my perspective, there is the work that needs to be done of
9 looking at what exists on parcels, which we don't tend to focus on all the time when we
10 do traditional master plans. We focus on the area of redevelopment where a property
11 owner comes forward, but we are pretty much affirming the zoning that exists in most
12 cases. In most cases we don't even talk about most of the parcels and maybe we
13 should be. But if you look at the big areas we're looking at, to go parcel by parcel to just
14 say, "Yeah, keep what we have," is not necessarily helpful or productive either. But it
15 does seem to me that what we're talking about is a transition period in this next six
16 months and maybe the fiscal year, but six months, at least, of looking at the Council and
17 Planning Board. And hopefully community and development community as well, about --
18 and not necessarily the Center and Boulevard issue, but looking at the master plan
19 process to continue to ensure that we have public engagement and interaction and of
20 course property owner interaction. But also looking at -- I hesitate to use the word
21 "accelerate" because, you know, I don't want to substitute acceleration for due diligence
22 and for community input. But for some ways of trying to get ahead of what's going on
23 rather than trying to respond all the time to what's going on. So I -- Ms. Floreen has her
24 light on and I assume she wants to comment on that [E.P.] I want us to work through the
25 packet. We're not here to resolve the issues, but I think we're here to start the dialogue
26 on these things, and that's something that I would welcome your reactions,
27 Commissioner, staffer members' reactions as well as my colleagues. and I'll let Nancy
28 comment and maybe that will allow you to think a little bit about what I have said.
29 Nancy,

30
31 Councilmember Floreen,

32 Thank you. Those of us on the PHED Committee obviously have strong feelings about
33 this, and you've probably heard most of them. I do agree with Marilyn about most of
34 what she said, I think. I have basically four points I think we need to resist in our master
35 planning processes. And I would like your -- we're not going to have time to work
36 through all of this today, I don't think. But clearly how long it takes to do a master plan is
37 a problem. Because of that, as Marilyn said, the process is becoming less relied upon
38 because it takes so long. And that's why we're doing all these text amendments outside
39 the master plan. Number 2: I think we have suffered a great loss and maybe this may
40 seem inconsistent with what I just said, the need for a community advisory group,
41 because those used to be -- those folks used to be the community custodians, the
42 community memory on master planning efforts. in the absence of those established
43 groups, I know they require lots of care and feeding -- but in the absence of those
44 groups, we've lost sort of the core of community folks to go back to to keep updated on



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1 what we're doing in master planned areas. And I think we'd to revisit the decision that
2 was made some time ago to take different approaches to engaging the community. I
3 know you mentioned that at the beginning, Derick, about how we do outreach, and I
4 agree, it's tricky. But without a core of community leaders to become invested who
5 understand the rationale, who have been part of those debates, it becomes a continual
6 education process for new players in all of this, which might be the case in any event,
7 but we don't have community leaders as much who have been engaged officially.
8 Informally, sure, but not who have been given a more formal role within the process. A
9 third, and this is related to all of the text amendment work, and all of the community
10 expectation issues. And Wheaton's a good example. I think we need to worry a lot more
11 about the words that go into these master plans. It's easy to say "neighborhood serving
12 retail." It's easy to say "committed to serving small businesses." but -- and just move on.
13 It is easy to throw in additional words in a Council resolution to support agreed upon
14 master plan -- community objectives in the abstract. But then we get to the
15 implementation stage where somebody at DPS or in Site Plan Review, or you at project
16 plan stage or the community who thinks they have been promised a particular kind of
17 use says, "Well, where is it?" And unless we can be really comfortable with our ability to
18 deliver specifics, I think we have to be very careful about what words we choose to
19 make commitments in the master plans. This is a huge implementation issue in
20 Clarksburg. We spent an evening with folks out at the Webb Tract who are very
21 interested in -- and delirious, frankly, about a new proposal out there. And they're asking
22 us "Does this undo the Shady Grove plan?" I think we need to be very, very clear in our
23 master plans about what we are saying and what we are not saying. Or at least we
24 need to create a culture that recognizes this. Do we agree -- is the master plan a guide
25 or is it a regulatory structure? Many people feel very strongly that it is more than a
26 guide. And if that is the case, we're going to need to be very -- and I think increasingly
27 communities rely upon it for more -- as long as we keep adding in the words that give
28 them hope that their precise objective will indeed be achieved. And consequently I think
29 we -- and we really need you to worry about this for us. Because I think there are many
30 community members out there who feel that with the signing of a master plan they know
31 exactly what it is going to be delivered. And I think we need to be very careful about
32 what we're promising now, particularly when I look at the list of other issues on the
33 plate, which we can talk about later, especially design. How exactly are we going to do
34 that? I think there are a lot of internal conflicts in what we say and what we deliver. And
35 I think we need to maybe slow down a little bit and worry about the words. It used to be,
36 I think -- former master plans were either more general or were given less weight, one
37 thing or the other, They didn't seem to have risen to the biblical proportions that current
38 master plans are doing. And certainly you will tell us -- we just had this conversation
39 with respect to workforce housing -- and certainly civic groups will say if we're going to
40 try to push one particular initiative we will have violated master plans. And we don't want
41 to do that. But we also want to be very careful about having the flexibility to serve new
42 needs as they become apparent or changes within the environment. So I really think we
43 need to be giving a lot more attention to the precise words and exactly how our master
44 plans are going to be implemented. You know, we made kind of a big deal of that, with



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1 the Shady Grove plan, in particular. That's not an issue, really, with Damascus. But
2 when you come up with grand new ideas we need to be sure that we're putting into
3 place the tools that really will deliver. And that means a lot of attention to the words,

4
5 Councilmember Praisner,
6 I don't know if any of you want to comment or respond before I have another
7 Councilmember talk to you,

8
9 Meredith Wellington,
10 I have a brief comment. Nancy's question about "is the master plan a guideline or
11 regulatory" is a really interesting question, and I'd say it's both and it depends. Because
12 the code, the zoning code, intertwines references to the master plan throughout. There's
13 some zones that are created by the master plan. In every preliminary plan you have to
14 find that the plan is consistent with the master plan. So Ms. Praisner's comment earlier
15 about the need to take a look at the zoning code. If we're going to look at masters plans
16 we're also going to have to look at the code, because it is Byzantine. And that can be
17 another reason, as you've said that you get a lot of zoning text amendments, why not
18 throw another one in there? We've got enough zones. What's one more among friends.
19 So, that would be my comment about master plans and the zoning code,

20
21 Councilmember Praisner,
22 The -- we started several years ago on a process of we were going to rewrite the zoning
23 ordinance, and then we were gonna look just at the commercial zones. And I guess, to
24 some extent one could argue that you're looking..,

25
26 Derick Berlage,
27 Like cleaning out the basement, it's the thing that keeps getting pushed off,

28
29 Councilmember Praisner,
30 Or maybe it will flood during this storm and we'll have to start all over again because our
31 last copy has been destroyed and the computer went down in the process. To the
32 extent your conversations on corridors and boulevards has some substantive look at the
33 zoning ordinance in the corridor perspective that may make some progress. The
34 frustration that I have is we talk about this, we seem to talk about this every time we
35 formally get together and then in the next six months, we get more zoning texts
36 amendments. And we really need..,

37
38 Meredith Wellington,
39 Opposite affect,

40
41 Councilmember Praisner,
42 We really have to say, "Okay, are we serious about the fact that we need to do this and
43 how are we going to do it?" Do we hire somebody to do it. Do we hire somebody to take
44 these sections apart and say, "Okay, we're going to look at these two zones and also do



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1 a search -- these two sections and do a search of the rest to see where they interact?
2 And recognize that it's a piece -- incremental piece, you wade into the shallow end of
3 the pool rather than the deep or you wade into the deep end and say, "Somebody come
4 back in a year with a rewritten..." what? But it seems to me that we keep talking about it
5 and we really need to do something about it rather than just talk about it. So if it means
6 more money and a specific plan that says this is how we would approach doing it,
7 maybe because you're looking at Corridors and Boulevards it's not those zones, it's the
8 others that you look at first. I really think, and I'm receptive to your coming back to us
9 with something that says you know rather than waiting until '08, this is what we need to
10 do. I'd be interested in that issue, so you may want to thing about that. Mr. Knapp --
11 Oop! I started all the lights. Mr. Knapp is next,

12
13 Councilmember Knapp,

14 Thanks. I appreciate the format and appreciate your comments and appreciate the
15 notion for having more of a dialogue, because I know we had a very frank discussion
16 sometime in the course of the many frank discussions we've had over the past six to
17 nine months about how to have that conversation. So I'll start. You put out the nine
18 priorities and those are good,, probably a few too many but at least it's establishing
19 priorities. Looking at your first one, which was Emphasis on core responsibilities, I've
20 heard comments from people that things are going slower, which we all kind of knew
21 was going to be the case, as we've kind of turned the boat around. How do you, as you
22 look at these, how do we begin to look at these and overlay these into overall activities?
23 And I guess I was looking at the big pull-out sheet that you have where you kind of
24 identified allocations of workyears and percentages of effort. How do you see -- if
25 emphasis on core responsibilities is the first of the nine priorities, how do you see your
26 focus on that and how do you see that being reflected in workyears, and how do you
27 see if that's being successful? And is, in fact, the fact that it's listed first -- does that
28 make it the first priority? And, if so, does that kind of -- do you focus most of your
29 attention there and then others kind of cascade down after that? I guess I've just asked
30 for that as a way to begin that dialogue so we can get focused on what you see as your
31 priorities,

32
33 Derick Berlage,

34 Well, to the extent possible, we believe the work program should reflect the priorities
35 and we think it does. If you look at the fold-out work program and you can see the
36 tremendous number of workyears that go into the sector plans, the master plans,
37 rezoning, preliminary plans, project plans, site plans. Those are the core responsibilities
38 So you have in here embedded in here as a priority workyears to keep our core
39 functions humming along. You also have, and Farroll Hamer may want to elaborate on
40 this, the continuous improvement workyears, which we talked to the PHED Committee
41 about during the budget and which are you find the second vertical column, these are
42 nine workyears that are going to be dedicated to not simply keeping things humming
43 along but making them better. I spoke in my opening remarks about focus on records



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1 management, on transparency, and on technical support for the staff. Those workyears
2 will be focused in that direction,

3
4 Farroll Hamer,

5 I think that's great, I see a lot of the core responsibilities, the emphasis on them in the
6 management improvement program. There's quite a few workyears dedicated to that,
7 particularly, I mean the very particularly things we've talked about before. Development
8 Review, streamlining it, reorganizing it to make it more transparent, and also more
9 efficient. Rules of procedure, creating a team building culture, a problem solving culture
10 within the agency itself. These are things that I think are really important. They are
11 absolutely our core responsibilities and quite a bit of time that's in the Management
12 Improvement Program will be dedicated to exactly that,

13
14 Councilmember Knapp,

15 So how do we know, I guess from a management perspective, if a company's gonna --
16 lot's of times a companies will cast too wide a net and end up doing things that fall far
17 from their core mission, although they're interesting activities. And then they focus back
18 in on their core mission, which is what I see this as being, emphasis on core
19 responsibilities. If I look at the pull out, You've got all of the things here. You've got ag
20 initiatives, Bi-county Transitway, Centers and Boulevards, all of things that were also
21 listed in your priorities. How do you see your focus being on getting those cores
22 responsibilities and then knowing that you think that part of the ship has righted so you
23 can move on to or kind of expend more effort to the next priorities on the list?

24
25 Farroll Hamer,

26 As we go, I think it will become clear as we go along in the Management Improvement
27 Program, there's a number of very specific initiatives, and there's -- I don't want to go
28 over all of the details particularly, unless you want me to, but it's attached to the end, but
29 once we complete a number of those initiatives, we will -- actually, let me step back a
30 second. We're not saying we're going to wait to do anything new until we get the core
31 responsibilities in order, we're doing it simultaneously. So we have a certain amount of
32 time that we're going to dedicate to the core responsibilities and into all that
33 management stuff. And then we also are going to continue with, because we know we
34 need -- the issues about streamlining -- creating a new master plan process, doing more
35 outreach, improving the zoning ordinance, these are things that can't wait, we need to
36 be working on them at the same time. Am I answering your question?

37
38 Derick Berlage,

39 I think part of the answer, too, is it's a weekly commitment by the Board and a daily
40 commitment by senior management to, when resources are limited, focus them first on
41 the core responsibility. There's a reason why the Centers and Boulevards is taking
42 longer that we first anticipated. There's a reason why our agriculture initiatives took
43 longer than we first anticipated. The reason is, in a world of limited resources, we've
44 focused the resources on improving the improving the Development Review Process,



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1 improving the Public Hearing Process, improving the technology that we had available
2 to serve the core responsibilities. So it may not show on a chart like this, but I think
3 you're absolutely right. The temptation and the temptation that we succumb to as an
4 agency in the past...

5
6 Councilmember Knapp,
7 And that we often demand of you...

8
9 Derick Berlage,
10 ...was to try to do everything, rather than focus on the core,

11
12 Councilmember Knapp,
13 ...rightly or wrongly. That's my only concern, I like this, and I like this focus. I just want to
14 make sure that you don't try to say we're going to do this and so we do part of that,
15 while at the same time you are trying to move all of the other balls forward at the same
16 time. 'Cause I'm not sure, given the staffing discussions we've had over the last year,
17 that you can do all of those at the same time,

18
19 Farroll Hamer,
20 Well, actually, that's why I think this is so helpful not only to you, but to us. Because
21 what this shows you, on careful reading, is that 90% of what's in here is required. In
22 other words, only a very small percent of the categories along the top are really up for
23 grabs, or for new programs every year. Because so much of what we do is regulatory
24 and master plans. And those are the core responsibilities and that is what's required
25 every year, year in and year out. So, I think it will very much help everyone to focus on
26 what the small percentage is that's left where we can add new programs,

27
28 Councilmember Knapp,
29 Okay, I know everybody's got other questions, I just want to ask one more thing. As I
30 looked at the pull-out and as I looked kind of at the -- and I like the format of where you
31 laid the description of the initiatives. I like that you've identified a percentage or a
32 number of workyears associated with each activity, the question I would have is, did you
33 put people to the activities so that it shows that there's effort going to the activities, or did
34 you identify what the deliverables were and determine whether or not you have enough
35 people to actually provide those deliverables? Do you know what I'm saying? Which
36 way did that get driven? Is it to make sure we have commitment to all of the
37 activities, or did we make sure that we know what the deliverables for specific activities
38 and that we have enough people to get that initial set of deliverables done and then
39 moving on to the next project?

40
41 Derick Berlage,
42 I believe it's the latter, right?

43
44 Farroll Hamer,



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1 I missed the -- I'm not -- [INAUDIBLE],

2
3 Councilmember Knapp,

4 Well, if you look at your -- starting on page 29, you have got all of the descriptions of the
5 various program, which I think are good descriptions, What I didn't necessarily see was
6 the deliverables attached to these. And my question is, while we have people
7 associated with doing things here, how do we know if we're actually -- I mean the
8 Agricultural Initiative is first. When have we completed the deliverables for the
9 Agricultural Initiative and do we have enough people to get that done as a project, and
10 then move onto the next one, or the other way around?

11
12 Farroll Hamer,

13 I see what you're... I think I see what you're saying. I think there's two things: First of all
14 is that this is a work in progress. What is incomplete here on each of these PDFs is we
15 started out with a multiyear component to each one of these. So it shows up next year
16 and the year after and the year after, because so many of these are ongoing. And so
17 that answers part of your question. In other words there may not be a specific
18 deliverable, I mean there's many deliverables, but the project is not going to be
19 complete this year. It's going to be completed in some future year. When we come back
20 to you next year, we'll have that information. And then the second thing is... Oop, I lost
21 my train of thought. Oh, the whole effort was just extremely collaborative. It was sort of
22 working back and forth between the number of people and the things we had to do. The
23 chiefs all got together, and you can see as you go across the chart, that when you read
24 down, there's hardly of the work program items that have a single division, they all have
25 multiple divisions. So it actually was very interesting, it was an eye-opener for a number
26 of the chiefs to say, "Oh, my goodness, you mean I'm actually -- community based
27 planners or countywide planners are actually spending this much time on a master
28 plan? I had no idea." They worked back and forth between the number of people and
29 the amount of work that needed to be done, until -- and adjusted it accordingly,

30
31 Councilmember Knapp,

32 So if I look at the specific objectives listed -- associated with each of these elements,
33 then the bodies here tie to the ability to achieve these objectives in this upcoming fiscal
34 year,

35
36 Derick Berlage,
37 Right,

38
39 Farroll Hamer,

40 Yes, in this fiscal year. Yes,

41
42 Councilmember Knapp,

43 Okay, all right. I think that's a great start and I think to refine it further so we see how we
44 did in actually marrying the bodies up with getting those things done. But I appreciate it



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1 and I think it's a great way for people to begin to see where your resources are going, or
2 not. And then we can have a real conversation as we come up with new and different
3 things, which I'm sure we will, you can say, "That's great, but these four things don't
4 happen now." So great. Thank you,

5
6 Councilmember Praisner,
7 I'm going to call on Mr. Silverman next but I want to make sure folks know that it is my
8 intent to try to work through Marlene's memo to make sure that while we talk about the
9 priorities for the next year they are also incorporated to some extent in the -- especially
10 the generic ones -- in the key points that Marlene has raised as subject matters of
11 activity that I want to make sure we get to as well, especially some that have generated
12 Councilmember questions in the past, like Green Infrastructure discussion that we had
13 initially, and the Centers and Boulevards and the special projects kind of conversations.
14 So we have until 5:00, our agenda says and -- not that I'll keep people to that if we feel
15 that we want to get home earlier, but I do want to make sure we walk through this
16 packet and have a opportunity for all of the conversation. Mr. Silverman,,
17

18 Councilmember Silverman,
19 Thanks, well, I actually was intending to go back to that, which is the master plan
20 schedule,
21

22 Councilmember Praisner,
23 Good,
24

25 Councilmember Silverman,
26 Well, I'll just make one very short overall comment. I don't know, we'll have the swan
27 song at some point, Derick, but I thank you for your leadership. I think that we have, I --
28 pardon the weather reference -- but I think we've weathered the storm; that we're on the
29 right track, that we have a lot of reforms in place. I think we're starting down a path of,
30 hopefully, together restoring confidence and faith in our planning process. I think we've
31 tried to work together rather than as adversaries. There are a lot of people in the
32 community out there on all sides of all issues who would like to see us fail. And I don't
33 think failure's an option. And I think that you all have slogged through this. Your staff
34 has been, I think, remarkably attentive to the concerns that have been raised from all
35 corners, and pretty much under siege for the better part of the last year. But I think
36 we've tried to implement the reforms, some of which you suggested, some of which we
37 suggested, some of which other people suggested. We've put in the resources that
38 you've asked for, and I think, and then some. I think we now need to move aggressively
39 in the direction that you've outlined here. So I appreciate the hard work of you
40 personally, the commissioners and everybody on staff,
41

42 Derick Berlage,
43 Thank you,
44



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1 Councilmember Silverman,

2 I do have a couple of comments about the master plan schedule and just this issue of
3 who came up with the idea that we should revise our zoning ordinance. Here's a really
4 short story. I got appointed as lead for Parks and Recreation my first year on the
5 Council. And so I trotted down to see Bill Hussman and I said, "Bill, I'm now lead for
6 Parks and Recreation. I get no additional staff. It doesn't give me anything else, but,
7 hey, it's a title, so I'll take it." I said, "I know there was a study done a few years ago
8 about consolidating Park and Planning, the Park side with the Rec Department, and
9 gosh, maybe we ought to tackle that. I'm thinking maybe we ought to tackle that as an
10 issue." And he looked at me and very directly said "Well, Steve, you can spend the next
11 two years of your life or more wrestling with that thorny issue, or you can actually get
12 stuff done." I took that to heart and we've had a lot of things that we've done collectively
13 on the Park side over many years, and years before I got here. So on the master plan
14 schedule and the issue of revising the code, okay, so the real world out there pays
15 absolutely no attention to our zoning code. The people that I meet every day want us to
16 address specific issues in this County. They're not asking us -- I don't get any requests
17 like this that we should spend extensive amounts of staff time -- yours or ours --
18 because somebody out there believes that there ought to be some major renovations or
19 "rehauling" or overhauling of our zoning ordinance. We're not Houston, where there's
20 nothing, it's the wild, wild west, And I'm not sure what the other extreme is, maybe we
21 are the other extreme, but I don't believe there's anything inherently wrong with zoning
22 text amendments. We do them. We do them because somebody points out a challenge.
23 And we'll continue to do them in this County as long as somebody says, "Here's a
24 situation that's come up that we ought to revisit and take a look at." And for those that
25 criticize the zoning text amendment process, I don't know, maybe we ought to have
26 mandatory minimum time lines before the Council can race through a ZTA. I don't know
27 if that's something for the next Council and you all to kick around. But the fundamental
28 substantive issues that I think our community wants to know is if we have problems in
29 our communities what are we doing about them? And we can sit here and try to explain
30 to the average citizen, and I say the "average citizen," I don't mean the average activist.
31 We can explain to the average citizen that, "You know, it's going to take 2 1/2 years for
32 us to make a decision about whether we want to make changes in the Woodmont
33 Triangle, which will basically allow more housing near Metro, and some taller buildings,
34 and get rid of the commercial side." You know, we can do that, we can explain that. And
35 they're going to say, "Why is it going to take 2 1/2 years to do this?" Now, I'm not being
36 critical, there are 50 other examples like this that we all can come up with, or that
37 predate me, and predate you, and predate everybody except Subin,

38
39 [LAUGHTER]

40
41 Councilmember Silverman,

42 But the fact of the matter is I think people out there, average people out there, want
43 government to be responsive. And so the question on these master plans are, if you've
44 got the town of Kensington which is very interested, apparently, on staying in schedule,



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1 and horrified at the prospect of being pushed aside because of some other priorities, the
2 question that I would have for you is so, what are the resources necessary to do things
3 differently, or to do things on a more accelerated basis? We got into a whole, you know,
4 what I call the "unraveling of the sweater" for the last year. It started out, there's that
5 thread, and somebody pulled it and then we had this extensive discussion about what
6 was going on in Park and Planning on the regulatory side. And what just strikes me is
7 that part of the discussion we had was, "Hey, we would have given you more positions if
8 you had asked for them." And part of the discussions we've had, not on the regulatory
9 side, are "Gosh, the Council's asking for all kinds of things, but we don't have the staff to
10 do all kinds of things." I think these work sessions, more often work sessions and
11 discussions ought to be more like what I was told the relationship was supposed to be,
12 which is -- I'm not sure I'll go with the "You work for us" model, but that we work
13 together, because you're an amazing arm of County government that I think is not
14 utilized to it's full effectiveness. We do not have the staff around here to do what you
15 can do. And the question is, are we having that discussion? Are we saying that we want
16 you to do these things and you're saying to us we need these folks to do it? So, an
17 incredibly long way of saying that there has to be a better way to deal with these master
18 plans, there has to be better way to deal with issues and not get hung up in the debate
19 about whether you guys think it's wrong for us to do zoning text amendments if we want
20 to bump heights up in downtown Silver Spring because you think it should go through
21 through some limited master plan process, and my saying to you, "Sorry, I don't have
22 the patience, nor does the community of interest have the patience, to wait two years to
23 go through that. That's an issue that I think has to get resolved. And I actually don't see
24 that anywhere in the priorities of resolving what I know will be a continuing battle among
25 all of the interested parties about how we actually get to results. And I think that's where
26 we have to figure out where to go. So put me into the column, in my last few months on
27 the Council, of not supporting spending time attempting to revise our zoning code, but
28 rather trying to figure out that we need to do to make sure there's transparency and
29 opportunity for public comment on the changes that collectively we and the community I
30 think want to make,

31
32 Councilmember Praisner,
33 Mr. Robinson,

34
35 John Robinson,
36 Speak for yourself. I'm not interested in a wide scale review of the zoning code for the
37 sake of reviewing the zoning code,

38
39 Councilmember Praisner,
40 Well, let me just say that that's not my purpose in suggesting it either,

41
42 John Robinson,
43 And that is not what -- I agree -- that's not what Ms. Praisner or yourself are looking for.
44 I think that we need a targeted review of the zoning code to accomplish the specific



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1 purposes of revitalization that we're looking at. For example, you mentioned Bethesda
2 modification, the Bethesda Sector Plan. But I'll give you an example. We have the C1
3 and C2 zones which, in terms of what I believe the Council wants to pursue and what
4 the Board is talking about, are completely anachronistic. We need to focus on a few key
5 zones which are either redundant or poorly drafted, and impede specific goals that we
6 want to obtain. And then pursue those and also pursue our processes for amending our
7 master plans more readily. But I don't think that the Board contemplates that we'd do a
8 broad, wide-scale review of the zoning code. We don't have the resources for that and it
9 would not be targeted towards the goals that the Council and this Board thinks -- I
10 speak for myself -- that we need to obtain,

11
12 Wendy Purdue,

13 A couple of observations, the issues that have come up are closely related, but we're
14 actually getting a little distracted by focusing on how one might implement. So the
15 master plan's degree of specificity, the speed with which they're undertaken, and our
16 ability to be responsive to changing conditions. That's an interrelated set of issues that
17 could be addressed a number of different ways. We could do master plans differently,
18 we could do them really fast, sort of -- some other -- there are a variety of models. It
19 could include changes in the zoning ordinance, or it might not include changes in the
20 zoning ordinance. It could include ways that zoning text amendments are done, or not. It
21 strikes me that having identified the issue of how to be appropriately responsive to
22 changing conditions is -- that's something we then ought to have a conversation about.
23 Let's not about zoning text amendments versus rewriting the zoning code. Let's have a
24 conversation about what we mean by "appropriately responsive." It -- It's -- yes, there'll
25 be -- and I use the word "appropriately" because on the one hand people will say it
26 needs to change instantly, this is a terrible condition." Sometimes, on some of those, we
27 hear from a few people who say, "Actually, it's fine. And if you do the change you want
28 that will create the other problems." So we need to figure out a way to balance those.
29 Maybe it's as simple as changing the zoning text amendment process, for example, to
30 do them in groups periodically. Because, one of the issues is the public does expect the
31 government to be responsive, but they expect to be able to know how to respond. And
32 zoning text amendments that come up out of the blue -- you're minding your own
33 business, you didn't realize you even needed to pay attention to it -- and now there's
34 one scheduled in two weeks, that you didn't know about. That makes it hard for the
35 community to be responsive. Maybe everybody's in favor of it and it won't be an issue.
36 Occasionally, occasionally in the community there are people who aren't happy about
37 them, and they need an opportunity to respond. Maybe we can restructure it quarterly
38 and take a collection of people who are involved and know to be looking at them, or
39 some other changes. So my broader point is, let's start talking about the bigger picture
40 of what level of involvement, how to be responsive, then we figure out what the tools
41 might be. That's my comment,

42
43 Councilmember Praisner,



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1 I think that's very helpful and, basically, is where we started from a standpoint of -- and
2 then looking at the things that you've highlighted. I actually would like, in the interest of
3 time, to try to also get through some of this from a standpoint of -- we have also heard
4 some concerns about the master plan schedule. And I don't know the extent to which
5 there are any reactions or comments from the Commission as it relays to the concerns
6 about the Kensington Plan or any of these others that have been raised. And if not, we
7 can go on and talk about the Green Infrastructure discussion, if you would like. Farroll,

8
9 Farroll Hamer,

10 Can I just chime in with one little thing? It actually -- some of the things that you're
11 talking about are in the work program. Maybe they're a little bit varied, but if you look on
12 page 41 under the Centers and Boulevards, we sort of retitled it "Toolbox for Infill and
13 Redevelopment." And it has specific objectives for FY '07. One of those is zoning tools.
14 And you'll see the second sentence, it's not a revision to the zoning ordinance, it's not a
15 wholesale revision as you talked about not being interested in. What it says is
16 "Particular attention will be paid to how the zoning ordinance can better address issues
17 that result from redevelopment and infill development." So that was one part of it. And
18 then the second part of it was Tools for Amending Planned Land Uses. And it talks
19 about master plans. And it says specifically "However, current master plan process
20 cannot be made more nimble without changing some of its aspects." And talks about
21 exactly what I hope you're talking about. "Addressing proposed changes in planned land
22 use that are more responsive to both the needs of the community and land owners both
23 within and along side of the master plan process." So it could be either be in addition to
24 the master plan, or a different way of doing the master plan. But we certainly recognize
25 the need to do that and would hope to be able to respond to that need,

26
27 Councilmember Praisner,

28 Thank you. Nancy, briefly. And then I want to to -- unless it's Green Infrastructure,

29
30 Councilmember Floreen,

31 Yeah, I just wanted to say, I mean, Farroll's point just now coupled with Wendy's, I think
32 are really important comments that I think we need to keep on the front burner. We have
33 to agree on what the problem is we're solving before we select one tool over another.
34 And that, I think, needs to dominate a lot of the -- I would hope that that kind of
35 approach would dominate the planning initiatives that we all undertake in all categories.
36 Because I think, Farroll, that those list of priorities have hit the nail on the head from our
37 perspective, I think. And I think Wendy's observation is really critical,

38
39 Councilmember Praisner,

40 We had a discussion within the PHED Committee prior to the budget deliberations. And
41 I'm not sure to the extent to which Councilmembers have had additional conversation,
42 but you certainly have massaged, to some extent, in response, I think, to some of the
43 Committee questions, the references to the Green Infrastructure Functional Master
44 Plan. And I think -- I've tried to respond from a standpoint of amplifying the difference



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1 between Forever Green identification of the Green Area in the County versus some of
2 the goals that might be associated with this functional plan. I don't know if you want to
3 individually or collectively make any additional comments about the whole outcome from
4 that. I had a opportunity yesterday to review with some of your staff the comparable
5 documents in Prince George's County that they have used in adoption of their
6 Functional -- Green Infrastructure Functional Master Plan. And from my view I think
7 there are a variety of issues that focus around environment issues. And I guess this is a
8 way to identify both when you review, as I understand it, different sites for development
9 and it's relationship to perhaps the state of conditions from a Green Infrastructure
10 perspective in that area, to provide both an assessment of the current conditions as well
11 as to help direct opportunities for the future. My, I guess, additional concern or comment
12 would be twofold: I think it's a useful tool that will be helpful to direct either resources or
13 energies when it comes to reviewing future plans that may come forward. But I also
14 think it's important for us, while we're identifying on a map the Green Infrastructure that
15 already exists, some of the other visual depictions that were part of the Prince George's
16 plan were equally important to me. Which included the condition of water quality in
17 certain areas, the imperviousness in different areas, the biodiversity issues, et cetera,
18 such that we're not just looking at where green forest protection is and isn't, but also
19 what are the other environmental challenges that may be facing us so that you look at
20 how maybe a Green Infrastructure supports that, or can increase the support for that,
21 but you're also looking at all of the other issues that might identify more urban area
22 priorities than perhaps the ability to connect a small area that -- that a future
23 development might be able to connect a small area, but is that area necessarily
24 threatened in the same way that some other area of the County might be? And when it
25 comes to making priorities or choices from a revenue perspective and expenditure for
26 future protections or priorities budgetarily, I might want to focus the efforts in the places
27 where the greater stress is, not necessarily where an opportunity might present
28 themselves from a connection perspective. So it's a piece, but I think they are a lot of
29 things that need to be looked at in that context and I can see pressures just as there are
30 for Program Open Space money and for legacy Open Space money that this Green
31 Infrastructure map -- or Green Infrastructure might lead to that are going to compete
32 against places that may not do that connection but are in more stress than some of the
33 other areas. And I guess that's just my initial reaction. And might I want to "make" green
34 rather than "connect" green, if you know what I mean. I think we need to focus on the
35 pavement places where we need to recapture green space as well so to speak. And
36 places where maybe we even insist on tearing up the pavement in order to create more
37 green area even if it's an oasis in the middle. It may be more important than that tiny
38 little connection somewhere else, especially as we concentrate development in certain
39 areas. So, that's my reaction, I'm supportive of going forward with looking at this, but I'm
40 looking at it in the context of when I look at environmental and green priorities, my
41 concerns are where the pressures are and where the stress is as opposed to, perhaps,
42 where it would be nice to make a connection, especially when you're not talking about a
43 trail connection. You're just trying to create that kind of connection. That's just my
44 reaction or comment on that. Mr. Knapp?



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1
2 Councilmember Knapp,
3 I've gotta jump back one. I apologize. Just a question, looking at the master plan
4 schedule. I looked down here and we have the Bi-County Transitway, which doesn't
5 have any actual schedule associated with it, other than just staff time being utilized. And
6 the question I have is that the Bi-County Transitway and the Corridor Cities are on
7 roughly the same time schedule as it relates to the draft EIS and planning stages and
8 actually selecting a mode. And I guess my question is, does Corridor Cities fit in here
9 someplace, or is there a reason we have one and not the other?

10
11 Derick Berlage,
12 Well, I think the reason is that the Bi-County Transitway, if it's actually built, and we all --
13 most -- many of us hope it will be -- will require changes in land use. There are potential
14 development pads along the different alternate rights -- routes for the Bi-County
15 Transitway. Which, if we know is coming we'll need to go back, maybe amend master
16 plans, maybe rezone, and that makes it truly a master plan issue. The Corridor Cities
17 Transitway is different. It is embedded in our existing master plan. It's just a question of
18 putting it in where it's supposed to go. And that's why you don't see it on this chart, but
19 it's certainly something the Board supports wholeheartedly,

20
21 Councilmember Knapp,
22 No, I know. And that's why I was just curious. I assumed there was that kind of an
23 explanation. We're just trying to continue to try and make sure it has visibility, 'cause it
24 kind of gets buried, even though people it's a priority. So I just wanted to get an
25 understanding of that. Thank you,

26
27 Councilmember Praisner,
28 What is the status of your work, if anything, on the Georgia Avenue Busway?

29
30 Derick Berlage,
31 We are working on it,

32
33 Councilmember Praisner,
34 Do you know -- I'm just am curious as to where that issue is from your perspective with
35 your transportation folks or wherever or whatever,

36
37 Farroll Hamer,
38 What was the question?

39
40 Councilmember Praisner,
41 The Busway. Georgia Avenue Busway,

42
43 Derick Berlage,
44 It's dormant,



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Councilmember Praisner,
Dormant? Okay,

Derick Berlage,
Dormant,

Farroll Hamer,

Can I just -- one point of clarification, the Corridor Cities is actually on there, if you look at the top under D-11. It has a slightly different name now. It's called 355/I-270 Tech Corridor. But there's actually 2.4 workyears dedicated to that,

Councilmember Knapp,
Okay, so it falls into that category,

Farroll Hamer,
I'm sorry, it has a different name,

Councilmember Knapp,
Okay. Thank you,

Councilmember Praisner,
Any other comments or questions on the Green Infrastructure Functional Master Plan or any other comments, any of you?

Meredith Wellington,
Well, I wanted to make a general comment in light of what Mr. Knapp said about us having an open discussion. And that is in the Legacy Open Space Master Plan the way you prioritize -- one of the factors in prioritizing is the threat of development. So in other words -- it makes sense -- if a piece is up for sale and it's on the Legacy List and you don't buy it, it's gone. So you prioritize that way. And one of the things I want to throw out, in terms of working with the Council to prioritize what we do is, especially in master planning, or charrettes or whatever to prioritize by where the action is, where there's interest in developing. If Kensington is upset, they may be upset because there are things that are going to be happening there and yet we aren't responding in terms of our taking a look at it and planning about it. I've supported the program that we put forth, but what I'm just suggesting is that, for example, if Green Infrastructure is not a burning item and in the meantime we learn that a developer wants to come forward, wants to work within our system -- and this is what's happening in [INAUDIBLE], which is good -- we should be able to move on it. And I think that's what you were saying earlier, Mr. Knapp. You were saying, we're spreading things out over a long period of time and just putting a few hours into a lot of different things. I think what you were suggesting was would you put more hours so you have a shorter time frame and then certain things just don't get done, they're not even on the list. That's not to say that everything's still on this list



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1 and we've like one hour for every little thing. We can't get everything on the list. We
2 have a lot to do. We've also had the situation for a period of time where some of our
3 Community Base Planners were transferred to Development Review. So that affected
4 our master planning. But I want to put that out there, that time sensitivity to what's going
5 on on the street is relevant to what we do. And it can happen, it doesn't have to happen
6 just by ZTA. It can happen through orderly planning done on a quick response basis. So
7 as Commissioner Purdue was saying, we're looking at different ways to approach this.
8 And one of them may be just to do some things we normally -- traditionally do quicker
9 and other things, maybe do something -- new things. And we're looking at that,

10
11 Councilmember Praisner,

12 Well, I think it's the tug between having the tools in place and the information. And to
13 some extent I see Green Infrastructure as a data base of information that you'd need in
14 order to have a tool to make the decisions when something comes forward, that you've
15 got the level of information. My only point in making that comment about Green
16 Infrastructure is the extent to which you prioritize from that. I indicated where my
17 priorities are and it might sacrifice a connection from a Green Infrastructure perspective
18 if it meant that your choice is focusing on -- and if we're going to have a lot of activity in
19 our Corridors and Boulevards and our Central Business Districts, et cetera, then I think
20 we need to focus on the issues of the environment and the greenness of that area,
21 which may not be a connection between two green areas but a need to focus on the
22 absence of any Green Infrastructure in place. That was the only comment that I was
23 trying to make from that perspective. But I also do believe you need the tools in place --
24 the information, the data base, whether it's GIS generated or whatever, or a Functional
25 Master Plan. But you need the data base available going on, I think that's the
26 combination of the on-going work that need to take place and the tools that you need in
27 order to then move. Moving fast when you don't have the information doesn't make a
28 better outcome out of that. And, or moving slowly doesn't help if you still in both cases
29 don't have the base of information that you need. It's almost, they become irrelevant
30 and unhelpful as far as the decision-making process, because you don't have the
31 information that you need and you don't have the tools that you need to be able to ask
32 the question. Some of this is using technology to help you faster,

33
34 Councilmember Knapp,

35 No, and I appreciate your comment, Meredith, 'cause I think that that's -- and it almost
36 gets back to what you were saying, Derick, at the outset. Maybe there's a less formal
37 way for us to do some of these things. I like this presentation but by the time it kind of
38 gets to this format you guys have already spent a lot of time, so you've already had a lot
39 of discussion, you've already got -- your staff has put a lot of effort into it. And so to
40 some extent in your mind, you pushed it out the door and this is kind of what you think.
41 And so I guess we could make big changes to it, but then everybody's sitting there
42 saying, "Well, gee. We just did all this, this is what we think is important." And maybe
43 there's a way for us to have a less formal dialogue kind of in between to say, "Do these
44 four or five" -- you know, "does that make sense?" and then when it gets to your point,



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1 Meredith, there may be something that kind of jumps to the top of the list. For example,
2 if we're going to have this ad hoc Ag Committee that's going to meet for the next six
3 months -- I like having -- the fact that we have Ag Initiatives identified here, but we may
4 not need 3.3 workyears folks on Agriculture Initiatives in the next six months because
5 we're going to sit and wait for the committee. So can we move those bodies somewhere
6 else? I don't know, that's just an example, but there's potentially two and a half bodies
7 we could put someplace else and get something else done and get that checked off the
8 list. And it's tough to have that kind of a dialogue when it's a more formalized process,
9

10 Derick Berlage,

11 That's one of the key values of this format, this matrix, which we're going to continue to
12 use. We know that whatever the mechanism there will be times when something new
13 will come up. Let's say that the White Flint issue hadn't arisen yet and just arose today,
14 and you all said to us, "Well, you all need to go and do White Flint." We would say,
15 "Well, if you want us to add White Flint to this matrix, the choices are take something
16 away -- what should we take away -- or give us additional resources." Whereas in the
17 past, the tendency was to always to say, "You want us to do White Flint. Sure, we'll go
18 do it." But in fact, we didn't have the people power to do it,
19

20 Councilmember Praisner,

21 If we're ready, I think we might want to just amplify at this point any comments you have
22 about the growth audit questions and some of the -- I think Marlene's comments about
23 the difficulty or challenges associated in mixed use areas of assessing what is the
24 actual yield likely to be and of what, from a standpoint of jobs or houses or development
25 is, I think -- is one that I think we've identified such that the research work or any of the
26 research work here, both from an annual growth policy growth measurement
27 perspective, but also from an ability to help us understand what is actually happening in
28 mixed use development. will help us to the extent we continue to move to focus
29 development in our central areas, whether it's seeing what the impacts of workforce
30 housing may be or any of the other activities I think continuing to work with Karl's folks
31 and you all to refine how the analysis and the projections of outcomes from our actions
32 is something that it becomes more challenging with the zones we're talking about, but
33 also would give us better estimates for future activity. And I think those are very good
34 points that are raised and certainly, it's a significant issue for us to continue to work on.
35 Mr. Knapp, you want to comment on that before I call on...
36

37 Councilmember Knapp,

38 I was just waiting. I'm just getting in the queue for...
39

40 Councilmember Praisner,

41 All right, I don't know if you want to comment on that, or the status of where things are
42 and what you would see as the product that would come out of this and the extent to
43 which you have thoughts about where that is from a standpoint of either new tools or
44 new documents that you would be generating,



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1
2 Derick Berlage,
3 This is something Farroll needs to address,
4

5 Farroll Hamer,
6 Okay. Well, I'm just going to take a second and look up, I'm sorry...,
7

8 Derick Berlage,
9 Page 56,
10

11 Farroll Hamer,
12 We did have extensive staff discussions about this and, as you know, we modified it to
13 some degree. I think a lot of it is a, and the research comes -- it's just exactly what you
14 said, it's research to establish what's already gone before. But I think that we'll also be
15 sort of visiting some possible tools. I think that that -- that's really very much up in the air
16 and I think that the tools -- Montgomery County has gone through sort of several phases
17 in growth management. Some of the things have been tried and discarded, some things
18 have not been tried. There's been sort of a lot of discussion about growth management
19 and right now the Planning Department at this juncture is really using primarily zoning
20 as a growth management tool. And that's actually a fairly limited tool. So I think we
21 would be interested in exploring with you some of the other options. For example in
22 Prince George's County they have a school exaction similar to Montgomery County, but
23 the school exaction depends on where you are. It's a much higher rate in a rural area
24 than it is in developed areas. And that's not entirely a planning tool, that's a government
25 fiscal tool that is used by the County government and not the Planning Department. But
26 there are many other tools like that that could be explored to sort of -- once we take a
27 look and see where we are in growth to sort of manage growth better. And I think those
28 are the kinds of things we would be interested in exploring with you,
29

30 Councilmember Praisner,
31 And that has generated a lot of lights, if you can imagine. So, I'll start with Mr. Knapp
32 and we'll go down the Council,
33

34 Councilmember Knapp,
35 Thank you, I guess my only observation is, we like to talk about growth and kind of no
36 growth and I always find that troubling. And the way this is kind of framed assumes kind
37 of continued growth. And, God willing, I hope that to be the case, because the reverse is
38 not a good thing. But I don't know that's necessarily what you're looking for as the
39 growth piece as much as it is the ongoing development or redevelopment that we want
40 to assess as opposed to looking at -- It's nomenclature, but it kind of falls into the kind of
41 thing that we always talk about. And I'm not necessarily sure that that's what we're
42 trying to assess as much as it is where is development taking place, what kind of
43 development do we want to have taking place, what are the pieces we're trying to match



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1 up during that process as opposed to growth, which assumes that we'll continue on
2 some trajectory kind of on into the future, and that may or may not be the case,

3
4 Farroll Hamer,
5 Well, I think it's guiding -- where do you want to guide the growth to? Or guide
6 development or guide redevelopment,

7
8 Derick Berlage,
9 I would say, by analogy, the school system spends a lot of time predicting where
10 student population growth will occur. Sometimes they're right, sometimes they're wrong,
11 but they spend a lot of time and they share that with you, and you all talk about it. We
12 don't do that. We don't talk about how much is North Bethesda going to grow, how
13 much is Germantown going to grow, and what kind of growth is it? We don't have those
14 specific conversations with you. We think maybe we should,

15
16 Councilmember Knapp,
17 Well, and I agree. I just thing there's two sides to that. 'Cause when the school brings it
18 up, we're usually seeing a cycle of an increase in population in one area and typically
19 there is some trending down in other areas. And to the extent that we see both of those
20 things, I think that's an important element to put out here. We talk about growth, it
21 assumes we're only going to see everything increasing, everywhere, all the time.
22 Maybe, maybe not. I just think we need to put that out there and have a more realistic
23 discussion, because when we talk about it with the School System it does. It looks at --
24 across all of those pieces, and you're accelerating here, slowing down here and you're
25 making accommodations throughout the entire system to reconcile those pieces,

26
27 Councilmember Praisner,
28 Mr. Andrews,

29
30 Councilmember Andrews,
31 Thank you for the revised format and document. I think it's helpful to track the budget
32 with the report. I want to ask a couple of questions about growth because I think there's
33 underlying assumption that when we're talking about growth we're not recognizing that
34 you can have economic growth and redevelopment without necessarily having a
35 significant increase in population growth. And I think we're mixing two together. We're
36 currently growing at a population rate of about 1.5% per year, which is about 14,000
37 people, which over four years is a population the size of the city of Rockville. How are
38 we going to ever get out of having unacceptable traffic congestion if we keep having a
39 population growth rate at that pace?

40
41 Derick Berlage,
42 In ten words or less?

43
44 [LAUGHTER]



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1
2 Councilmember Praisner,
3 That's your homework assignment for the summer,

4
5 Derick Berlage,
6 Not at all to be flip, but I guess the first thing I would do is refer everyone to the very
7 lengthy debate this Council had three years ago when the Annual Growth Policy was
8 reviewed and there was -- that precise discussion was had. But without suggesting that
9 this is 5.6 workyear item is going to by itself produce the silver bullet to managing
10 growth in the County, we do think the work that will be done in this program will be very
11 helpful to the Council as it continues to wrestle with that question. And next year is a
12 H.E.P year. The new Council will have a opportunity to revisit, if it wishes, the question
13 you just asked, among others,

14
15 Councilmember Knapp,
16 Well, the County does have some influence over the pace of population growth through
17 the pace of residential approvals. And we used to have moratoriums in some areas of
18 the County, which this County eliminated in 2003-4, that were put in place when the
19 infrastructure was judged not to be sufficient to allow for more residential approvals or
20 job approvals in some cases. So that is one tool we could use to affect the pace of
21 population growth. But certainly we can have economic growth through productivity
22 increases. And you can certainly have a lot of change and churning of the level of the
23 population through people coming in and people going out, which happens all the time.
24 And I think we have to wrestle with the pace of growth, because I think it has a huge
25 amount -- the pace of population growth -- because I think it has a huge amount to do
26 with our ability to make any headway in providing some traffic relief or preventing it from
27 continuing to get worse. And I think that that will be an important debate on the next
28 County Council,

29
30 Wendy Purdue,
31 Of course we'll always have to bear in mind that the traffic is a function, not only of our
32 population growth, but of our surrounding counties. So were the population to be --
33 there'd be zero if all of the people who were going to move to Montgomery County
34 moved to Howard and Frederick and drive to the new, wonderful, upgraded jobs that will
35 come as a part of redevelopment, but not live here,

36
37 Councilmember Andrews,
38 That's certainly a factor, although primarily a factor during -- more so during rush hour
39 than other times of the day,

40
41 Wendy Purdue,
42 Yes, and no, because if the other part of Montgomery County is it's a wonderful place to
43 recreate, with the best park system, again, unless we're prepared to figure out a way to
44 bar the gates the folks from Frederick and Howard and the District of Columbia and



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1 Virginia may continue to come in. So, it's, as you all know, the issues about traffic are
2 not solely a function of what our population is...
3

4 Councilmember Andrews,
5 Certainly not. I agree. It's not,
6

7 Wendy Purdue,
8 ...and indeed, to the extent that we create housing that is near to and scaled to the kind
9 of jobs that we have we may reduce net traffic,
10

11 Councilmember Andrews,
12 But we have a County policy of creating jobs faster than housing, which was adopted
13 two years ago. So that is not consistent with...
14

15 Wendy Purdue,
16 Well, I'm sure you and your colleagues will have an interesting conversation on that
17 subject,
18

19 [LAUGHTER]
20

21 Councilmember Praisner,
22 I would like to suggest that I would prefer to use this time with the Planning Board to talk
23 about their plan. And that's why I asked the question about what research tools you had
24 in mind or how you're refining the documents through Karl's office to generate
25 information for us, rather than have the debate about how we would use those tools and
26 whether we would agree or disagree with whatever recommendations might come
27 forward with those tools, Which is, I think, what you're referring to and Wendy was
28 referring to as well,
29

30 Councilmember Andrews,
31 I want to say for the record I think the Planning Board has given us good advice. We
32 didn't take it.
33

34 Councilmember Praisner,
35 Mr. Silverman on the audit issues,
36

37 Councilmember Silverman,
38 Sure, I'll pass up the opportunity to engage my good friend, Mr. Andrews, again since
39 I'm sure we'll have multiple more opportunities to do that. But here's my question, do
40 you think what you're going to do in this growth policy/growth audit is going to be able to
41 provide us information that will, as best possible, "de-politicize" or at least provide
42 factual data that to allow us to have a discussion here? Because I'll say that not tongue
43 in cheek because I'll make the following observation. You know, I've used this quote a
44 thousand times, I'll use it a thousand more. Moynihan's quote: "Everybody's entitled to



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1 their own opinion, but not their own set of facts." The facts are that the difference
2 between the perceived "wings" of the County Council on the growth issue is truly at the
3 margins, based on the data you've provided to us. The great debate of 2003, based on
4 approvals, was a difference between an approval rate of 1.45% or 1.47%. That's what it
5 was all about, 838 houses, You would have thought we had scrapped the Adequate
6 Public Facilities Ordinance. And trust me, I'm not interested in having a debate about
7 that, I just want to know. I don't believe that the AGP process that we have in place --
8 having spent eight years now here looking at this, I don't believe that that works. I
9 believe it ends up with the results that we had three years ago and two years ago. You
10 guys walk in -- and as we always like to say -- with all due respect, you come in and
11 suggest a growth rate that misses the point, The point is -- and the comment was made,
12 I guess, by Mr. Andrews about what are we going to do about traffic. Well, your
13 recommendations come in just about the growth, the pace of growth. You're not coming
14 in and saying, "Oh, by the way, maybe you ought to start spending hundreds of millions
15 of dollars over the next six years on transportation." And, guess what, this Council, in
16 fact, moved by light years, this Council and County Executive for the first time in terms
17 of the capital budget for the next six years. We'll see if it plays out. Well see if the next
18 governor decides he wants to play with us and partner; I don't know. But what I do know
19 is that if there isn't some change in the method and the madness there will be yet
20 another debate, you know, two years from now that mirrors every single debate that's
21 happened for the past, I assume 20 years, since the Annual Growth...,
22

23 Unidentified Speaker,
24 Thirty.
25

26 Councilmember Silverman,
27 No, 20 years since the Annual Growth Policy was created in the mid '80s when there
28 were 10,000 housing units being built a year, not the 3,700 housing units that were, in
29 fact, built last year. A trend, by the way, that's declining, according to Mr. Moritz, over
30 the past three years. I'm trying to figure out what the tool is here, because we have
31 these debates, they're truly a football game played between the 48-yard lines.
32 Sometimes it's over on this side of the 50 and sometimes on this side of the 50. But the
33 way it gets played, it gets played as if we're actually making huge changes in what's
34 going to be there on the ground. The other corollary to this is, just as an observation
35 coming out of this is, what's the develop that's occurring? Because even I can sit here
36 and talk about these macro percentages or 3,700 housing units. We lifted the
37 moratorium in Olney. There were 12 houses built in Olney last year that wouldn't have
38 been built if we had in place the AGP restrictions of prior to 2003. So we really ought --
39 somebody ought to be having some discussion about what's actually getting built, where
40 it's getting built, the trend line about multifamily as opposed to single family. And this
41 goes back to, I guess, my first question, which is do you think this will produce data that
42 will allow a discussion about managing and limiting growth in this County that will be
43 different than any of the over debates that have been here for the last 20 years?
44



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1 Derick Berlage,
2 Commissioner Robinson would like to take a shot at this one,

3
4 John Robinson,
5 The answer is yes,

6
7 Councilmember Silverman,
8 Great answer,

9
10 John Robinson,
11 Seriously, I would hope that's what the study would be used for. Be used both in a
12 macro sense that you've described and a micro sense. In our conversation before about
13 the changes in the zoning text amendments the relationship to changes in the master
14 plan, and Commissioner Purdue gave an answer directed towards the tensions that
15 sometimes occur in that context, that it's not necessarily an open and shut case. And
16 there was a follow-on that we have a range of tools. I had to side with Commissioner
17 Bryant that it would be nice if a text amendment comes in that it's in a context that we all
18 understand. These text amendments can be threatening because they're not occurring
19 in the type of context that you've spoken to, Mr. Silverman, which is that we know what
20 the yield will be from this type of development, we know how it will impact the area in
21 which it's occurring. I would hope that that would be the type of micro analysis that could
22 come out of this type of tool. So then when it comes in, yes, we actually all know what
23 we're talking about in terms of what the impact is going to be. That can go a long way
24 towards neutralizing some of the political tention you're referring to. I'm not going to say
25 it's going to dissipate, you know, I've been around the civic community for a while, but it
26 would be helpful if we could use a tool for that purpose as well as for the macro
27 purposes that you and Mr. Andrews seem to be taking a somewhat different position
28 about. And I firmly believe we need to start forecasting transportation,

29
30 Councilmember Silverman,
31 I'm sorry, Mr. Subin was shocked that Phil and I would have a...

32
33 Councilmember Subin,
34 I can't believe that Mr. Andrews and Mr. Silverman took a different position,

35
36 Councilmember Andrews,
37 You leave the room, you never know what's going to happen,

38
39 [LAUGHTER]

40
41 Multiple Speakers,
42 [INAUDIBLE]

43
44 Councilmember Praisner,



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1 The storm clouds are coming, I just want to realize...

2
3 John Robinson,

4 Although I would add that I hope the mule doesn't starving between the two bales of hay
5 because of the debate,

6
7 Councilmember Praisner,

8 Well, I think the point, of course, is -- I'm assuming Mr. Silverman's question is not a
9 rhetorical one and it's a serious one,

10
11 John Robinson,

12 I assume it's not either, I take it very seriously,

13
14 Councilmember Praisner,

15 I just would comment, if I may, the issue in the Olney area is not the ten or two or five or
16 seven houses that have been built that are beyond what would have been an area in
17 moratorium. The issue right now is having significantly altered a master plan in a climate
18 of very energetic housing activity. What's happening in the southeast quadrant to
19 change an area that's been relatively rural, and where there's a number of plans that the
20 community sees themselves and projects. The community sees themselves continually
21 needing to respond to because of significant development at one point. And the
22 questions the community has about the roads or the schools or even the environment
23 can sustain the multiple projects coming in at one time. And if there's any way to
24 aggregate them, other than to look at the five nearest intersections, to wonder about the
25 impacts. That's the question that the community's asking, in my view. Or at least that's
26 the one they're asking me. And the question is what tools do we have to look at that,
27 whether it's through a master plan or an annual growth policy, that doesn't say the land
28 will remain pristine forever. but how does one pace what's happening such that you can
29 manage it? And this is certainly not a Central Business District or even, in my view, a
30 Smart Growth area. So those are the questions that I think we have, or discussions
31 which the Council in the future will have. And I'm hopeful that Mr. Moritz and his great
32 work, and you all, those of you -- or any Planning Commission members and staff will
33 be able to help us with that issue. So I don't see this as a debate about what's
34 happening in Howard County, because it will continue to happen. Or what is happening
35 -- whether it's -- whether it's in the margins of the 48- or 50-yard line or not, I'm just
36 talking about what the community is seeing and do we have the appropriate tools in
37 place to manage what's happening and a concentration in the area and how you define
38 that area to evaluate and review. And those are the kind of questions we'll be looking at.
39 Ms. Floreen?

40
41 Councilmember Floreen,

42 Thank you. As much as I enjoy this periodic debate, I think it's really important to work
43 on the terminology. I would hope that we would start agreeing on what the words are.
44 You don't approve jobs, I explained to someone recently that no one approves jobs in



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1 this County. People approve square feet. And those are commercial spaces occupied
2 by "X" number of people that you assume based on the zoning will -- here comes the
3 rain -- That you assume will generate "X" number of trips. I assume that this initiative
4 will be to add, as Mr. Silverman suggested, some actual facts to the conversation. I've
5 been very concerned about the terms that are thrown around -- and, of course, we all
6 use them for political purposes to a certain degree -- people with issues raise them. But
7 I think we have to be honest about what we're talking about. And not to say that
8 anyone's dishonest, but the way the words are used is really quite important. For
9 example, I mean, frankly, someone said earlier talking about the School System
10 numbers, "Well, you're the ones who generate those numbers." The School System, as
11 last I recall, bases their numbers, their projections upon Park and Planning numbers,
12 right? And so the question is, how can we work with the Department of Permitting
13 Services, maybe the Census and the State to get actual information which says, "Well,
14 what has actually occurred in terms of these things, based on your more theoretical
15 analysis." People are nodding their heads, is that the idea here?

16
17 Meredith Wellington,

18 I agree. Yes, it's to get facts. To me this is a follow up on the Traffic Congestion Report.
19 The Traffic Congestion Report just tells you what intersections are troubled and where
20 you should be looking at putting your dollars to relieve congestion to make the grid work
21 the best. And by getting more information -- it's not just about roads -- you should be
22 able to make even better decisions about how you budget,

23
24 Councilmember Praisner,

25 I think we have to buy an ark next!

26
27 [LAUGHTER]

28
29 Meredith Wellington,

30 It's boating is the next trend!

31
32 Councilmember Praisner,

33 Number of ark lovers, boats and arks,

34
35 Councilmember Andrews,

36 Bring the canal and ferry back, yeah,

37
38 Councilmember Floreen,

39 That will do a better job at the intersections. The challenge...

40
41 Councilmember Praisner,

42 Row 'em across, Michael,

43
44 Councilmember Floreen,



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1 The challenge is what are we using these tools for? Are we introducing all of the other
2 contextual elements into those tools? For example, we have congestion analysis
3 numbers, you have ideal numbers for congestion. Do we include all of the neighborhood
4 protection elements that we've initiated or permitted that have forced traffic to certain
5 locations? Because they can't cut through neighborhoods anymore. This is a good thing
6 for neighborhoods, a bad thing for intersections. And how do we acknowledge that in
7 the master planning initiatives? I guess I just would like to have a better sense of -- from
8 what I'm -- I'm looking at page 56 of the -- of your report. And you're saying, what you're
9 going to do is to establish a body of knowledge about the type, location, and pace of
10 development occurring compared to that suggested by the general plan and master
11 plans. Is that a snapshot? Karl, I'm guessing you're the one in charge of this?

12
13 Karl Moritz,

14 What we would like to do is look at it over time. So that not just right now, but maybe
15 over the past 15 years, in particular. What are the yields that we're getting in the zones
16 that we planned for? As well as what kind -- other attributes of a subdivision that was
17 envisioned in a master plan and has been built, going back and seeing what's
18 happening there, whether it's traffic generation or student generation, to the best of our
19 ability to capture that. And the idea is to be objective, to use clear language, and I
20 certainly agree that in our willingness to speak quickly we're often not as accurate as we
21 could be, and we say things that, like jobs are being approved, that gives the wrong
22 impressions. But, in fact, yes, that's the idea. To go back as far as we can and show
23 trends and to be objective,

24
25 Councilmember Floreen,

26 Well, when we did the Damascus plan we had some concerns with the numbers that
27 were used there, because it seemed to us that you were assuming that every project
28 would be absolutely built out to its max. And we just -- from what we've heard -- that is
29 rarely the situation,

30
31 Karl Moritz,

32 And it's very interesting when you start looking at that because sometimes you can then
33 see, well, what was the influence that may have made a developer go more toward the
34 max and others not, or has the trend changed over time? And that would be something
35 we would look at,

36
37 Councilmember Floreen,

38 You're going to do the entire county?

39
40 Karl Moritz,

41 Yes, right. You know, most of the zones have a lot of knowledge or experience we can
42 take a look at. The challenge comes with the zones that are extremely flexible, as we
43 talked about earlier, the mixed-use zones, or the more recent zones, where we don't



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1 have a lot of history. And in that case we would try to find similar zones that do have a
2 good history to look at,

3
4 Councilmember Floreen,

5 And extrapolate from there? Well, I guess I would say I would encourage the Planning
6 Board to watch the work program very carefully for this. Just 'cause this could -- there's
7 a lot of information to be gathered. And I certainly think it would be excellent to see what
8 the numbers are generally yielding. It was helpful years ago when someone did a study
9 -- I think it was HOC -- did a study about housing values around affordable housing
10 projects. And that really changed, I think, the environment for the community
11 acceptance of those things. And my only concern about this is picking off a piece that's
12 chewable, that you can really deliver upon. I do think, perhaps County residents need to
13 be informed of the dirty truth that we actually plan for congestion in urban locations and
14 understand that that's an element of the urban environment that's been assumed. That
15 would be a helpful point for you to be able to generate. And also the dependence on the
16 assumptions about infrastructure that have -- has or has not been produced. That's one
17 of the challenges. When we asked you to come up with an alternative for the ceiling
18 issue, I guess it was last year, you guys came back -- I don't know if you shared this
19 with the Board -- but you came back and said to us, "Well, one approach would be to
20 say, no rules at all inside the Beltway and nothing happens outside," And we were all
21 kind of shocked because that was contrary to a lot of the Smart Growth kinds of things
22 that you all have actually been recommending to us. So that's part of the challenge, I
23 think, in finding a credible -- putting together a credible data base that we all can use to
24 build on in the future that will be straightforward and be subject to interpretive volleyball,
25 which I think it would be good to get away from,

26
27 Allison Bryant,

28 May I intervene at this point, because the last comment you made I think really, for me
29 at least, hits the nail on the head in terms of some of the tension really that exists in
30 terms of what the expectations are in terms of what the capabilities are, et cetera. And
31 I'm so pleased that you called the expert up to talk about something that's clearly in his
32 realm of expertise. and the realty is that Karl essentially provides the the answers to the
33 question that we ask. If we don't ask the right questions, then you're not going to get the
34 answer as broadly defined and as comprehensively as you're implying here. So the
35 tension, I think, is the notion that yes, we sometimes give you an answer and a
36 response for one thing based upon what we believe you're looking for and then we
37 might give you another answer for another circumstance that seemingly contradicts the
38 answer to the first. That's why, from my standpoint, I believe it's imperative that as part
39 of your oversight to us that you let us know.,

40
41 Councilmember Floreen,

42 Ask better questions,

43
44 Allison Bryant,



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1 Yes, first of all, that you ask better questions and that you understand there are nine
2 County Council people with nine County Council agendas and there are five Planning
3 Board members, and we also have our agendas, but the idea is, to the extent possible,
4 trying to sublimate all of the agendas from the standpoint of what's best in terms of what
5 we all say we're about. And that relates to the idea of a growth policy/growth audit being
6 really more comprehensive in terms of what I heard Councilman Knapp suggest at the
7 beginning, and that is really, he's really talking about redevelopment or an alternative
8 type of development. Because, yes, growth does give the impression that we're on the
9 continuum that at some point will reach an apex, and that's not necessarily the way it is.
10 It's a balancing act. If you tell us that you want us to give you a response that represents
11 the balance, then we'll move towards getting a response that represents the balance.
12 Because generally what we try to do is to give you what we understand you're looking
13 for and what we believe that you're looking for. Keeping in mind, I'm only speaking for
14 myself. That's my view, but I think we do,

15
16 Councilmember Floreen,

17 Well, I would have to say that I would. I assume everybody else does. But I certainly
18 would ask you, I mean I can easily ask the wrong question, and I would appreciate a
19 response, but I would also being advised that the better question is this, and looking at it
20 in context, this is the things you need to worry about, and we worry about, and we want
21 you to worry about. And that helps get away from the narrow conversation and traps
22 that we all fall into periodically. So, if this effort is going to broaden that conversation, I
23 think it would be extraordinarily helpful,

24
25 Councilmember Praisner,

26 I would add to that, though, that I see this not exclusively in this question though, or in
27 the series of questions that might be related to a volatile political issue like growth or
28 audit of, or assessment of. I would lead it to zoning text -- zoning ordinances where you
29 might say to us, "Here are the challenges of a mixed use zone, and here are some
30 things that you need to know," or "Here is a problem we're having in implementing these
31 zones that are affecting our analysis, and they're affecting implementation and
32 inspection, or questions." It's an encouragement for proactiveness that, I guess, I would
33 encourage all of you. And I must say that the two women who bookmark this table today
34 have been extremely refreshing for me, because they are comfortable with telling us
35 what they think we need to know. Not necessarily what we want to hear, and I think
36 Mary and Farroll both have been exceptional in modeling that behavior, and so I
37 assume that they model that with their staff as well. That's a testament to you by
38 encouraging, selecting, and supporting women who make that kind of behavior and
39 modus operandi something that I think we should all have. Which is telling us what we
40 need to know when we're elected officials or anyone else. "I could do this, Mr.
41 President, but I would be wrong," is something that I reflect on often when I listen to the
42 Nixon tapes. So I don't think we rise to that level of problem,

43
44 [LAUGHTER]



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1
2 Derick Berlage,
3 Thank you for that clarification,
4

5 Councilmember Andrews,
6 Do you spend a lot of time listening to those tapes?
7

8 Councilmember Praisner,
9 No, but I remember,
10

11 Councilmember Andrews,
12 Just checking,
13

14 Councilmember Praisner,
15 But the point being that I think we are best served when we hear honest and reflective
16 and comfortable comment -- people comfortable with the comments they may offer, that
17 are not necessarily the question we asked. Or, yeah, so you'd say, "I can answer this
18 question but I respectfully suggest this is the question you need to ask,"
19

20 Derick Berlage,
21 Well said,
22

23 Councilmember Praisner,
24 Mr. Subin,
25

26 Councilmember Subin,
27 Thank you, actually Allison, I'd say there are at least ten Council agendas, because you
28 have the nine of us and then whatever turns out to be the institutional agenda, the
29 majority at any time. So whenever other combinations there may be, so it may be worse
30 than just the nine. I meant that not...
31

32 Allison Bryant,
33 No, I understand,
34

35 Councilmember Subin,
36 The problem is probably more difficult than you'd even put out there. Getting back to
37 Ms. Floreen's issue with page 56, I guess, I'm a little uncomfortable looking trying to
38 study the pace of development. The question that I would have, and Allison, I don't think
39 if it's the wrong question, what's your snapshot of time. I mean, I think you can take
40 something like the Kentlands, to me, which is what I'm thinking a good example, where
41 you had this dream. It was approved...and everybody was just ecstatic. And then guess
42 what. Developer goes bankrupt because there is no pace of development. And then all
43 of a sudden, as soon as the market changes the pace of development is rapid. At the
44 end of the day you get, after some period of time, exactly what was planned for. I mean,



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1 with some give and take. So I'm not sure what studying the pace would get us, or where
2 it would get us,

3
4 Allison Bryant,

5 Let me take a quick stab at that, then I'll keep quiet again, and Karl can say yea or nay,
6 that I'm really off-base. but the idea of "pace of development," from my understanding of
7 when I read this, suggests you're not looking at it from a standpoint of trying to mark
8 what development occurred in a particular cycle, as much as you're using it as kind of a
9 perspective, looking at -- we made certain assumptions when we decided to push these
10 particular policies, the reality is that when we push these particular policies, the
11 economy was occurring this particular way and as a result the growth did not occur.
12 From that what you can do is to project out and look at what is the economy doing now,
13 and as a result of what's happening in the economy, you can then make some
14 additional assumptions, or even the same assumptions, to look at whether or not your
15 particular policy should be applicable at that particular point in time. From my
16 standpoint, that's the kind of analysis that represents comprehensive, professional, and
17 helpful feedback and information that, in fact. not only can the County Council benefit
18 from, but we can benefit from in terms of how we go about looking at the kind of
19 directives and policies that we should be undertaking. So that's what that means to me.
20 If I'm incorrect in terms of the applications of the concept please say so,

21
22 Karl Moritz,

23 No, that's great,

24
25 Farroll Hamer,

26 Let me just see if I can throw something else in there, because I think what you're
27 asking about is not so much are we going to study the pace and growth in the past. I
28 think the pace of growth in the past is not what we're looking at. What we're going to
29 look at what yields have certain zones delivered, and what actually has been
30 constructed on the ground. I think a little bit what you're talking about is the market.
31 That's sort of looking into the future and making assumptions about what the market is
32 going to be in the future. You don't need -- the growth is not -- the pace of growth is not
33 an issue where there's no market. That has happened from time to time in the past. The
34 market has been very slow and there's not a lot of people complaining about congestion
35 and schools, et cetera, et cetera. When the pace of growth is rapid, as it is right now, it
36 is always is much more of an issue. And generally you want to look at growth issues
37 when the pace of growth is rapid, and when it's not, you don't. The pace of growth is
38 projected to be, to remain rapid, maybe not as rapid in the last few years, but
39 economists are projecting that it will still be rapid over the next several years. And that's
40 why growth is an issue,

41
42 Councilmember Subin,

43 Well, in all due respect, that's what they were saying back in 1988, 1989, and then the
44 bottom..,



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Councilmember Praisner,
Fell out,

Councilmember Subin,
Fell out. And boom. Let me try -- let me try to ask the question a different way, because I think for the part of the question, the issue that you were asking about, the yields is covered in other pieces. But getting back to what Allison was saying, what I've always envisioned was that everything is a straight line. Or, you know, angle, but that the infrastructure and the development, in a perfect world is, are both going to track. But that is actually not ever going to happen. And that if here is your line of development, then it's going to look something like that. And at some point there's an end state for any given area. And the question and I think where we run into the growth is too fast is more an issue of the infrastructure,

Farroll Hamer,
Right,

Councilmember Subin,
Including the schools. So that the question for me is, and always has been, how do you, or is there even a way to track infrastructure with the growth? Because you could end up putting a road in, years too early, or years too late. And with the schools, it's like, who is going to end up -- it's not just a matter of when are the houses going in, but who's going to be moving in. In my neighborhood, I can't -- it's just unbelievable. The people moving in, the yield per house, even with houses like mine, with no kids in it, must be about three kids per house. How do you plan for that? You know, I thought a couple of years ago everybody was saying, you know, zero population growth. Every married couple ends up with two, and that's it, but they're ending up with four and five,

Farroll Hamer,
The issue of the concurrency of public facilities is something that all jurisdictions that are experiencing growth wrestle with. Should the public facilities be done ahead, exactly on time with a little bit after, how much after? That's really a government policy issue that is always part of the growth question. And I think what we're saying to you is we're going to provide you with information and also possibly some scenario studies, if you do -- if you manage growth this way, this happens, if you manage it that way, something else happens. It's not just the rate of growth. It's where the growth goes and how you deliver the public facilities on time and who pays for the public facilities. So those are all public policy questions that you're going to -- if there's no bust, if the boom continues -- that you'll have to struggle with,

Councilmember Subin,
Well, I don't have a major problem looking at that. I'm just getting an uncomfortable feeling that at the end of the day the answer will be the way you can do it is to a very



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1 strict control of the private sector. That's not a place that I'm prepared to go. But I mean
2 that may, maybe there is, I hope there's a better answer. I mean, I'm just not -- I've
3 struggled with it, a lot of private conversations, a lot of people have struggled with that.
4 We always get to the same place. The only way to do that is through a very strict control
5 of the private sector. And...I don't know. Then even with the schools, the demographers
6 historically have been, in a macro-sense, very close. Very close, within a percent. That's
7 with the changes every year. Within a percent. But as you get down to the high school
8 cluster, and then down to the individual elementary school, they are wildly off a good
9 deal of the time,

10
11 Councilmember Praisner,
12 Mr. Subin, if I can jump in. I think the information in the cycle kinds of issues are
13 somewhat similar to the information that we've looked at from a recession economic
14 cycle and also the cycle that Bruce Crispell and staff have done here -- the School
15 System and Parking Planning -- from a standpoint of cycle of a subdivision and the
16 population that's likely to be there. which helps us on the issue of building to the peak or
17 not. And obviously you can't project how many cars are going to be at that house and
18 what direction they are going to go for their jobs, because we don't -- not only do we
19 have limited capacity from a standpoint of telling people certain things about their family,
20 we also have limited capacity about telling things -- telling folks where they work. And so
21 you can make assumptions about intersections, but folks are going to be travelling in
22 different patterns. We might encourage fewer cars, but that's the whole philosophy of
23 our objectives. I think Karl's information or the work that we've done tying it with our
24 economic indicator discussions and tying the economics to the cycle of growth will be a
25 very interesting piece of that. I would like to move to, we have the special projects
26 piece. As I understand it, that's more a function of a placeholder for special projects that
27 may or may not occur. Obviously, we and you will be identifying what those may be as
28 they come along,

29
30 Derick Berlage,
31 Personnel equivalent of a reserve fund,

32
33 Councilmember Praisner,
34 Reserve fund,

35
36 Derick Berlage,
37 Very small reserve fund,

38
39 Councilmember Praisner,
40 Right, I noticed that. We do need to I think before we turn to the Parks Department and
41 also whatever other questions do not fall within those major categories, I do want to
42 spend a little more time on Centers and Boulevards, because obviously you have had
43 some additional meetings and discussions and conversations with the community, et
44 cetera, as well. And I think the concern that still persists is one of this -- how macro and



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1 how micro is this conversation. And which Centers and Boulevards, and how does that
2 relate to the County as a whole. And it seems to me that it would continue to be helpful,
3 as work progresses on that, to either relate it to the zoning ordinance issues. as there
4 are commercial areas, which is a macro issue to some extent it would seem to me,
5 unless you're creating modifications to those C-1, C-2 zones as they relate to central
6 areas, or you're looking at the mixed use zones that already exist. But it also would be
7 helpful to continue to refine the Boulevard you're referring to, and the Center that you're
8 not referring to. Mr. Silverman has commented in the past, I couldn't agree with him
9 more, that there may be challenges in White Oak and Hillendale, but I'm not sure that
10 this study will -- unless you have a way of getting to the owner of properties' issues,
11 we're not going to resolve all the challenges that are a function of contractual issues,
12

13 Farroll Hamer,

14 I think that's right, and I think we heard a lot of what you all talked about when we sort of
15 did some adjustments to this. I think that one of the things that we determined we ought
16 to be doing is -- I mean, Centers and Boulevards was always basically and infill and
17 redevelopment project, always from the very beginning. I think that what this staff talked
18 about and the Board talked about, too, is the fact that we have a number of master
19 plans in areas that are actually designated for growth by the general plans such as the
20 I-270 Corridor and the Inner Ring. We have a number of master plans that involve infill
21 and redevelopment there, that involve large commercial areas that are ripe for
22 redevelopment and that we would be using the Centers and Boulevards to create tools
23 for the master plans. Not limited to the existing way we do master plans, but certainly to
24 looking at a more compressed way to do the master plan. So the first priority is part of
25 the infill and redevelopment tool box is really going to be new tools for the master plan
26 process. And only secondarily -- if at all -- looking at Centers and Boulevards that are
27 not a part of master plans,
28

29 Councilmember Praisner,

30 I think it's important to say what it is not as well as what it is. That's why I make the
31 point. Because even the language talking about the pace of change and plans can't
32 remain leaves, I think, some concerns for the broader question of if every area of this
33 County is generally in a master plan, and every area has a commercial strip center,
34 does this mean that every area is going to be affected by what you're doing? Those are
35 the kinds of questions that I think get generated. Mr. Silverman and then Ms. Floreen,
36

37 Councilmember Silverman,

38 Brief comment about this. We've spent the better part of, I don't know, the last six
39 months, maybe more, but certainly the last six months trying to get across one critically
40 clear message to our community at large, but in particular those people who live in the
41 Ag Reserve, care about the Ag Reserve, enjoy the Ag Reserve, which is we're not going
42 to bust the Ag Reserve. But there is a continuing perception by people who are
43 interested in the Ag Reserve, who live there, who farm there, who have horses there,
44 who have horticulture there and like open space, that there is this secret design on



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1 busting the Ag Reserve. I happen to believe that the only way that that balloon gets
2 popped is if there is another place for development to occur in this County, to provide
3 opportunities for housing and jobs, and I think Centers and Boulevards is going to be
4 where the action is. And so the sooner you move forward with getting what it really
5 means to the next County Council, the sooner we can stop spending all of our time
6 chasing down the latest rumor about who wants to tap into 500 or 1,000 acres of the Ag
7 Reserve, or did the Council really mean what it said when it said no private institutions?
8 Are they just paving the way for no churches but, in fact, there will be housing? I do get
9 questions. I don't know whether you do or not. But I certainly get questions or comments
10 from people out there, particularly in the Downcounty, however we define that, from
11 people who say, "Well, let's see, we have an affordable housing crisis in this County, we
12 have a middle class housing crisis in this County, why wouldn't we just move that line
13 over a little bit, take 1,000 acres out of 93,000 acres, who is going to miss it? I mean,
14 that's...,"

15
16 [LAUGHTER]

17
18 Councilmember Silverman,

19 That's what I get for comments. And so I'm supposed to -- I have to explain to them,
20 "Well, you know, we're not doing that, and here is this other idea," you know? So there's
21 pushback all around there, but until somebody else has another plan, an actual plan on
22 the table, the assumption is going to be that big open space up there is a nice prime
23 target for folks to go after, whether they are on white horse of affordable and middle
24 class housing or they are on the pure profit, "let me go build as much as I can out there"
25 mantra. Either way, it's out there. And so I'm excited about this, and I hope it moves
26 forward at a reasonably brisk pace,

27
28 Councilmember Praisner,

29 And the other piece of what I hear is that having drawn the line at the Ag Reserve, we're
30 going to build skyscrapers on every other piece of property, so that we're going to be
31 paved from Potomac to Burtonsville, and the line will be green, but everything below it
32 will be pavement. And that's what Centers and Boulevards is as a fear for the rest of the
33 County. That is okay with the Ag Reserve, but feels there's a gradation once you go
34 below that line. And when you grade that, they don't mean grading in that sense. But
35 that we move from, you know, wedges and corridors still exist,

36
37 Allison Bryant,

38 That's why I thought you made the comment about the idea that you don't necessarily
39 have to go out and try to connect all of the green,

40
41 Councilmember Praisner,

42 Right,

43
44 Allison Bryant,



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1 Look at the opportunities,

2
3 Councilmember Praisner,
4 Right,

5
6 Allison Bryant,
7 There's a need for some green,

8
9 Councilmember Praisner,
10 That's exactly my point as another piece of this issue. Derek, you wanted to say
11 something?

12
13 Derick Berlage,
14 The answer of course is no, we're not going to pave everything else. Much of that area
15 is already paved. What we are going to do is maximize the residential and commercial
16 and retail and cultural opportunities to use that existing infrastructure. Downtown Silver
17 Spring today is a good deal denser than it was even five years ago. Almost no one
18 would say that it isn't always much better. Density is not always a bad thing, in the right
19 place, well designed, it's a good thing,

20
21 Councilmember Praisner,
22 But here's a big difference between downtown Silver Spring and downtown Burtonsville,
23 and that's the point I'm trying to make. Nancy,

24
25 John Robinson,
26 I agree, also that as soon as we can have this policy initiative more bounded so that that
27 will help alleviate the type of concerns that are being raised,

28
29 Councilmember Praisner,
30 Nancy,

31
32 Councilmember Floreen,
33 Thank you. Those are questions we're all fielding on a regular basis. I've got -- sensing
34 we're ending our session, at least on the Planning side of the equation -- I have three
35 issues I wanted to take up with you. One is in your materials, your point about the
36 quality of design. I'm not sure what that means. I know you do site plans and I know you
37 approve, you do site plans. What do you mean by by quality of design as a priority in
38 your work? How communities look and feel is, as you know, a subjective issue for many
39 folks, certainly the layout of communities matters. Are you suggesting that we're going
40 to get into design standards..,

41
42 Farroll Hamer,
43 Actually..,



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1 Councilmember Floreen,
2 ...how buildings actually look as opposed to where they are located?

3
4 Farroll Hamer,
5 I think that what we were addressing was really the quality of the community. I don't
6 think the aesthetics is -- I don't think we're addressing aesthetics. That is an issue of
7 personal -- there's no purpose in the government addressing issues of personal taste.
8 By design, what I mean is are there sidewalks, is it walkable? Does it create a sense of
9 place? Do you have a feeling of belonging to a community? Are there amenities there?
10 Are the amenities appropriate and are they suitable for that type of community? Is the
11 public open space closed up behind houses or is it accessible to everyone? Does it
12 create a sense of belonging somewhere? It's really community quality design,

13
14 Councilmember Floreen,
15 For cul-de-sacs?

16
17 Farroll Hamer,
18 Cul-de-sacs are fine in the suburbs but they don't work in neo-traditional. It's a context,
19 it's an issue of context,

20
21 Councilmember Floreen,
22 Okay. Well, I still am not sure what this translates into that's new. Anybody else take a
23 shot at that,

24
25 Wendy Purdue,
26 I think one of the things that we've started doing and it comes out, in part from
27 Clarksburg, is understanding that the so-called New Urbanist, Neo-Traditional Design is,
28 if you do it well, it requires more than simply saying houses close together, with front
29 porches. That's kind of the shorthand of what neo-traditional design is. Put houses close
30 together, put a front porch, picket fence, you've got neo-traditional design. Well, doing it
31 well actually, it matters what the relationship is between the height of the buildings and
32 the amount of space between the buildings. There are -- I'm not talking about what color
33 the shutters are, but as a matter of..,

34
35 Derick Berlage,
36 How big the garages are,

37
38 Wendy Purdue,
39 As a matter of architectural layout. It's not, it's not a big difference from what we do in
40 site plans. But it is paying attention to things, the relationship between height and width,
41 which we've not paid as much attention to. You get into architecture, if you start talking
42 about things like articulation in the building and that probably goes beyond what the
43 level of detail we are currently authorized to engage in. But you can visit, go visit
44 multiple places, and there are places that all say -- that seem to be neo-traditional and



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1 some have a feel that makes you want to be on the street and others do not. And it's not
2 simply counting the daffodils and not simply counting are the houses close together or
3 not. It may require some -- it may require looking our more closely at the tools we have.
4 We may require some additional tools. I don't know that. But when you start building
5 things more densely, these aspects matter a lot more. If you plop a house in the middle
6 of two acres, it really doesn't much matter. You know, just build the house. Don't make it
7 way too tall, but it really doesn't matter. When you put it right, when you put things real
8 close together, this kind of detail does matter. And so we need to spend some time
9 figuring out whether we have the right tools. We may -- it may be a question of focus. Or
10 we may need some additional tools,

11
12 Councilmember Floreen,

13 Okay. Well, I'd like to, you know, certainly follow that along, if it is a new initiative it's
14 somewhat different approach. I'll note we didn't hear much from you folks on -- when we
15 were dealing with the height stuff in existing zones -- the mansionization kind of
16 concerns we've dealt with within existing communities. These are hard to solve
17 situations. And I still -- I think you're talking about design guidelines, is what I'm hearing
18 you say, Wendy, more aesthetic than what I'm hearing from Farroll. I guess you guys
19 are going to have to sort it out in terms of how that's going to go,

20
21 Derick Berlage,

22 They're talking about very meticulous, rigorous use of site plan authority where we have
23 it, and beginning a discussion about whether or not we might extend site plans to places
24 we don't have it, like C-2. That's the kind of design we're talking about,

25
26 Councilmember Floreen,

27 Okay. Well, we'll have that conversation,

28
29 John Robinson,

30 If I might make one additional observation, Ms. Floreen. Someone asked about this. I
31 lived in Adams Morgan, and the Colorama area for some time. That's very dense. It's a
32 beautiful area to walk around in. My response was "Back to the Future." I mean these
33 tools have been around, and these concepts have been around for some time. We have
34 not worked with them as much because we've had an urban-suburban orientation.
35 There are plenty of models that were thought of 100 years ago that essentially go to the
36 point that Commissioner Purdue was talking about, which is..,

37
38 Councilmember Floreen,

39 Well, and your challenge, let me say, what are the right kinds of tools?

40
41 John Robinson,

42 That's right,

43
44 Councilmember Floreen,



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1 You know, Clarksburg was going to be the Montgomery County Kentlands, with a more
2 flexible approach to allowing a denser kind of community to evolve. And we have
3 challenges with community expectations of predictability and certainty, versus things
4 that might be approved, changes that could be approved in the field or wherever. And
5 so how that all gets sorted out will need to be looked at. Secondly, I'm a little
6 disappointed in what we have heard from you, because I think we need to hear more
7 from you on housing policy, as some consistent advocacy from you folks on this issue.
8 It's important -- the issue of affordability, of how our communities can embrace
9 everyone, is a continuing challenge for us. And I think it is for you, but I'm not sure it is.
10 And I would hope that that is a priority in your work. Years ago, a Housing Coordinator
11 position was established in the Department to make sure -- that our collective
12 agreement that that issue would be front and center. And I just highlight this for later
13 conversation, I think we -- maybe we need to sit down and talk some more about how
14 we work together on this issue. Because there are inherent -- and we had this
15 conversation with Karl earlier today with respect to the workforce housing issues and
16 the Board's concerns about master plan numbers and so forth. And again, the challenge
17 is how we get these competing priorities to work together. The economics of these
18 issues, the permitting approvals of these issues, which may or may not be consistent
19 with what you all are thinking, when you approve a site plan,
20

21 Farroll Hamer,

22 And we do have, it is in the work program, there's 2.5 or 2.4 staff years. I think it's, the
23 specific object are primarily to support the Council's consideration of workforce housing,
24 and other housing initiatives. But we do.,
25

26 Councilmember Floreen,

27 Well, we know -- and your staff has been great in helping us on this stuff. but I think
28 policy-wise, the conversation I think needs to be a tad more regularly perhaps or
29 effectively between the... There's going to be a new Council. It's priorities might be
30 different, I don't know, and there will be new Board members over time. But it seems me
31 this should be a regular conversation,
32

33 Councilmember Praisner,

34 Last item, Nancy, so that I can,
35

36 Councilmember Floreen,

37 The last one, I think the, I'd like the Planning Board to take up -- we talked about it in the
38 Development Review process -- is what you have as guidelines, and whether they
39 should be regulations. The issue of predictability in your process from the community
40 side, from the applicant side, continues, I think, to be blurred. And I think you need to
41 have that conversation and bring back to us and put into place rules that achieve the
42 objectives I know you're seeking to achieve in any event. Just so people know what the
43 rules are, because right now, I don't think they do. And perhaps you do. But I think how
44 that's understood by the community, who has an issue, how that's assumed by an



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1 applicant who plans a project around expectations. I know that's in the process of being
2 sorted out, but I think you've got a lot of guidelines in place so far. And I do think you
3 need to think about turning those into rules, so people know one way or the other how
4 they are going to be applied. So that's it for now. Thanks,

5
6 Councilmember Praisner,
7 Mr. Knapp?

8
9 Councilmember Knapp,
10 Thanks. I guess I would echo some of the sentiments my colleagues raised as it relates
11 to the Centers and Boulevards. I'm very excited about it. It's actually similar
12 conversation we're having down at the Transportation Planning Board which is how to
13 try to begin to incent this type of discussion,

14
15 Councilmember Praisner,
16 Activity centers,

17
18 Councilmember Knapp,
19 Activity centers, and how do you get the jobs near the houses and houses near the
20 jobs, and the impact that will have on transportation. But I think Mr. Silverman said it
21 right, Mr. Subin talked about it this morning, we love the Ag Reserve, and it's great for
22 all of us to love that, but the tradeoff, guess this came up at one of your last public
23 discussions was to say that you're for the Ag Reserve, and in the absence of having any
24 clear articulation as to how the rest of this policy works, and for affordable housing,
25 without kind of saying what that means, kind of is disingenuous. I think one our real
26 challenges is to be able to -- I think, if you look at the phrase, "Centers and Boulevards,"
27 it sounds very nice, very quaint, but if I hear what you're saying we're looking really at a
28 broader focus on how do we reorient development around there, how do we look at
29 density, how do we make that a more urbanized thing. It's not just necessarily
30 revitalization or redevelopment of Centers and Boulevards, which, if I'm looking from the
31 outside, I think, oh, we're going to make nicer shopping centers. We're really taking a
32 much more comprehensive approach, and I just think we need to -- language is
33 important, as I think everyone has said today, and to think about how we begin to get
34 people oriented around this. If I had seen this as a title, I'm not sure I would have gone
35 to the presentations that you had, Hopkins. I wouldn't necessarily, unless I lived nearby
36 or near 355 or some other places, I wouldn't have seen how that was relevant, yet I
37 think the discussion we're talking about is much broader than that and is really looking
38 at communities that have always been very suburban, many people have lived there for
39 30, 40 years, expect that it always will be suburban. We need to engage lots of those
40 folks sooner than later, that it's not about growth or no growth. And I think Farroll, you
41 were saying this, I was impressed at the kickoff meeting you had in January, because it
42 wasn't -- the speakers you had didn't talk about growth. They talked about sense of
43 community, they talked about sense of place. They talked about all those
44 characteristics, that I think you were talking about too, Wendy, they can all be good



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1 things, but people need to understand first we're looking at potentially their
2 communities, and what all of those elements really are. If we talk about centers and
3 corridors -- Centers and Boulevards, I'm afraid groups of folks wake up one day and go,
4 "Oh, wait a minute, come on, that's not us, we weren't a part of that,"

5
6 Derick Berlage,
7 Being euphemistic
8 Councilmember Knapp,
9 Right,

10
11 Derick Berlage,
12 Well, you make a good point there,

13
14 Farroll Hamer,
15 We considered that. If you look on page 41, you see we couldn't change the whole
16 name right now. People are used to it, we've advertised it,

17
18 Councilmember Knapp,
19 Right,

20
21 Farroll Hamer,
22 Okay. So what -- we have given it two names, Centers and Boulevards Phase II, and
23 then we called it, underneath that, "Toolbox for Infill and Redevelopment," which we
24 think is actually a more accurate depiction of what it's about. So we're going to segue
25 away from "Centers and Boulevards" into "Tool Box for Infill and Redevelopment."
26 That's the plan,

27
28 Councilmember Knapp,
29 Which isn't a particularly sexy title,

30
31 Farroll Hamer,
32 No, it's not, I'm sorry,

33
34 Councilmember Knapp,
35 But that's okay, because I think that is more realistic. The other thing -- and Ms.
36 Praisner kind of mentioned this a little bit -- we've got to start to figure out how to
37 engage in it. It's up to us to do this is. It can't be the Ag Reserve versus everybody else,
38 or everybody else versus the Ag Reserve, because that's a discussion that's going to
39 fall apart. It's just a matter of when, not if. We've got to be able to articulate more
40 broadly how preservation of the Ag Reserve benefits the rest of the County, how
41 creating density and other places will benefit our ability to retain something like the Ag
42 Reserve, and how those pieces work in concert with each other. Otherwise, if it's always
43 this, you know, here's the line, if you're on this side you think this, if you're on the other
44 side you think that, we're all going to -- it's all going to fall apart. We need to be



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1 conscious of that and we've got to start to engage that conversation. I think as we start
2 to get -- call it more what it is, and begin to link those pieces together. And say here is
3 the ramification of preserving the Ag Reserve, and begin to just be straightforward with
4 people. It's not going an easy dialogue but I think it's at least more honest and I think
5 starts to engage people and give our very intelligent electorate and population the ability
6 to begin to engage back with us and tell us what they really think and what they really
7 feel,

8
9 Allison Bryant,
10 You'll get a shot at it Thursday,

11
12 Councilmember Knapp,
13 You mean with the religious institutions?

14
15 Allison Bryant,
16 Yes,

17
18 Councilmember Knapp,
19 Yeah, no, I agree. I mean that's one piece, but you're right,

20
21 Councilmember Praisner,
22 Well, let me relate this to the last question or last comment I'd like to make about
23 Planning before we turn to Parks, and, Mary, I apologize for the imbalance, but we will
24 work on that in the future as we get more..,

25
26 Derick Berlage,
27 It was actually our -- we're responsible for the imbalance because we wanted to focus
28 on Planning,

29
30 Councilmember Praisner,
31 ...but we're moving towards a comparable kind of presentation, I think when you talk
32 about Parks as well. Here are the two comments that I would like to leave you with.
33 There is in the presentation and they are not new -- or one is not new -- in the
34 presentation of the workyears in this way, I like it very much. But it does seem to
35 generate, as we had in the PHED Committee discussion, a question about what isn't
36 there as well as what is there. So, for example, we've had conversations, and I know
37 that Bill Behring for one will be working on the Sandy Spring issues, but that doesn't that
38 doesn't appear anywhere. There are discussions about the concerns about Glenmont,
39 White Oak, FDA implications. They're the ongoing day-to-day -- they're not a project --
40 they are a project but they are not elevated to a certain level. And they really
41 inadequately appear in this format the way the old plan of minutia on everything,
42 captured everything. There's this gap between the work plan workyears assignment
43 allocation, and the -- it's in there, but where, kind of thing. So I don't want an answer
44 now, Farroll, but I think it is something that I think you need to look at. The other thing I'd



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1 like to raise is something that I think the Planning Board must help us to begin to look at
2 -- not exclusively the Planning Board -- and I am going to in essence charge some
3 departments of County government as well. We have a deadline coming, as it relates to
4 the Chesapeake Bay. As you know, I've mentioned to you, in the next four years that
5 from a standpoint of requirements and levels of achievement and attainment that I do
6 not think we will meet. There's no way. But if we don't, we run the risk of the Federal
7 Government taking over certain things from us. So the question is one of how we focus.
8 And I guess it's the gap of absence of other than the forest issues which are significant,
9 I don't mean to diminish them or the Ag Reserve, if you want to look at it from an air
10 quality and environmental issue, the absence of meaningful environmental focus here.
11 And I really think whether it's water quality, stream management, stormwater
12 management -- and I know they are not exclusively your department -- your agency's
13 responsibility -- but obviously whether it's in Plan Review, or in zoning ordinance issues,
14 or in Green Infrastructure questions, or whatever, we have significant issues looming in
15 this Washington Metropolitan area, from Virginia, the District of Columbia, and
16 Maryland, together collectively as it relates to the Chesapeake Bay. And we don't have
17 good news as it relates to the current status of the Chesapeake Bay. And I'm going to
18 be spending some time on these issues and I think we all have to. So I would just
19 identify that as something that I would hope you would take back and look at from your
20 perspective. I think this is by and large from a standpoint of the conversations we've had
21 a fairly successful evolution of the process. We're still, you know, trying to manage the
22 time to cover all of these issues, but I do think we can make progress on looking at
23 ways in which we might take a specific subject, and spend a more informal time, not
24 talking about the whole plan or the whole six months, or your workyears, but talking
25 about and conversing especially when we talk about regional issues. And to the extent
26 you have Planning staff joining Marlene and me at the Council of Governments'
27 Metropolitan Development Planning Committee meetings, Karl and others, as we talk
28 about activity centers, and the biggest challenge in those issues has been trying to get
29 commonality of definition of "Green Space" actually. So, you know, there are a variety of
30 issues we'll be looking at that are regional as well as local. I thank you. I do want to
31 move to the Parks Department and see if you have any comments that you want to
32 make, and thank Mari for being here this afternoon. And see if there are any comments
33 you want to make about where you are with these documents as it relates to Parks, and
34 the packet as it relates to Parks, just to give you an opportunity to make whatever
35 comments you might like to, before we see if there are any Councilmember comments,

36
37 Derick Berlage,

38 The only comment I'm going to make is that it is our goal to establish for the Parks
39 Department a work program explicitly tied to the budget that replicates what we've done
40 for Planning. We started with in Planning because we had issues with Planning and
41 because Mary Bradford, as the new Parks Director, we wanted to give her some time to
42 get her feet wet. And when we -- when the Board comes back in October, it would be --
43 "wet" would be the operative term today. When word comes back in October, it is the
44 Board's intent to bring you a matrix and a discussion such as we've had today. I agree



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1 today has been a great step forward. We want to have the same kind of big picture
2 discussion as it relates to Parks. And if Mary Bradford would like to..,

3
4 Councilmember Praisner,
5 Mary, any comments you'd like to make?

6
7 Derick Berlage,
8 ...any comments, those would be welcome as well.

9
10 Mary Bradford,
11 I'm glad you like the new format because it makes it much clearer for us, too, in
12 preparing detailed, specific informational pieces for your use and for our use as well.
13 The only difference I would point out is as an operational agency, where things have a
14 much longer horizon, there's not a beginning, middle, and an end to things,

15
16 Councilmember Praisner,
17 Correct,

18
19 Mary Bradford,
20 When we get involved it's a long-term situation. So it will look a little different probably in
21 the execution of it,

22
23 Councilmember Praisner,
24 Sure,

25
26 Mary Bradford,
27 We're going to shoot for that and perhaps in the CIP or in the Park Development --
28 Planning and Development part we'll be able to get those kinds of specific beginning
29 and end documents for you. As an operational agency and the bulk of our budget and
30 operations, that's where we're putting a lot of our focus,

31
32 Councilmember Praisner,
33 Reminds me of one thing I wanted to say about Planning that relates to Parks. And
34 that's I really want us to think about whether we have all the tools, whether it's
35 technology or data tools, to be able to use them to help the Parks Department to
36 manage its staff effectively. But also for us, to especially when we start going back to
37 Planning -- just a teeny bit -- when we're looking at mixed use development, and when
38 we're talking about height and visual, as well as aesthetic kinds of issues, there's so
39 much technology right now that would allow you to see visually what a building like this
40 would look like and turn it and twist it and move it around, and we should have the
41 capacity here when we ask you a question to show us, not just the GIS but the other
42 visual -- what is the development like this look like, not just a snapshot photograph but
43 the three-dimensional and it can move you right through that building, et cetera. We
44 should be able to do those kinds of things for a design of Parks as well,



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Mary Bradford,

You want the viewscape and elevations,

Councilmember Praisner,

Yeah, exactly? And I want to look at viewscape elevation on a variety of things when we talk about master plans. And I want to be able to look at, you know, I've seen technology years ago that would allow a staff as I've talked about, when we talked about that terrible subject of carry in/carry out, that would manage your personnel so that you could even watch the trucks and where they are and how they go, and whether they are efficiently being used. And you can have a computer system that would allow -- the technology would allow you to input the data, and give you the most functional way of managing that staff from a standpoint of how you pick up trash. And whether you manage where the plumber goes on all the appointments that he has to make. I mean the technology does this for you, you can even override it if you think it's not right, but we're just not doing it enough. And whether it's infrastructure maintenance, infrastructure management, visioning, having -- making the right decisions, I think we need it for the Parks, and we need it for Planning, as well. And we really need to be more aggressive about that across the board. And mixed zones are going to require that even more I think. So, you know, I would encourage you to come forward with requests for the kinds of tools that would allow us here at the Council as well as you, wherever your offices may be. The one question I wanted to talk about, I guess, related to this is the issue Marlene raises. I'm not sure I really understand the conflict as indicated by having Parks manage the MRO, the Headquarters Building. And whether you think you've created walls, you know, that provide that or not, there may be other ways and I'm just not sure. I appreciate your sensitivity to the conflicts associated with Development Review and all of the other issues, but I would ask you to look again at that to see what requirements may be you put in place for a second, or a third, or fourth kind of review,

Mary Bradford,

I'd like to let Trudye address part of that. I will say that from our perspective, our agency, our Department is the part that does the actual work going forward, and we're good at that. And so to that extent..,

Derick Berlage,

They build stuff,

Mary Bradford,

We build stuff,

Councilmember Praisner,

No, I understand that,



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1 Mary Bradford,

2 We have great people who plan stuff, and we have great people who build stuff. And
3 we're the build stuff point,

4
5 Councilmember Praisner,

6 No, I understand that, but it was here focused on the regulatory piece, not the
7 experience constructing,

8
9 Mary Bradford,

10 That's why I want Trudye to talk about that,

11
12 Trudye Johnson,

13 I think there's a sentence missing out of there. Where we are in the process right now is
14 the procurement phase of the project. What we have done is separate, because the
15 Planning Board will be dealing with this project from a regulatory process, the
16 procurement decisions are being managed by CAS and the programmatic, the technical
17 work we need in terms of the program of requirements is being handled by the Parks
18 Department and Park Development in terms of that. Once we get through the
19 procurement decision, we will then have a project managed like we had with
20 SoccerPlex. That's what we mean when we say the Parks folks will take over that,
21 because once our partner, if you will, comes forth with a series of recommendations in
22 terms of the housing, the office, and so on, it will be before our regulatory people to do
23 an evaluation of their proposal and make a series of recommendations to the Planning
24 Board. So we're in the procurement phase of the project right now. It's being handled by
25 [Patty], myself, and [Adrian] because most of the folks who are interested in this project
26 are from our Development community. We tried to create kind of an interim firewall to
27 get through that phase. And Mike [Reilly's] shot will come onboard once we make that
28 selection and recommendation to the Planning Board with the technical support to move
29 the project through the implementation phase. Okay?

30
31 Councilmember Praisner,

32 I think it would be helpful if I can just suggest that you work with Marlene to the extent
33 that you are keeping her informed as to how you're working the complexities of this
34 project, such -- so that to the extent she sees any issues she can bring it to our attention
35 as well. Anything else you want to say about Parks or any of the other elements? I think
36 we'll have more time when we talk about about this structured in a different way, and I
37 appreciate the comments about the managing of projects, Mike has been terrific to work
38 with, and the infrastructure issues as well. And I think the question of volunteerism and
39 also these special projects that we've been looking at, like the SoccerPlex, the lease
40 and the process with that is also going to be an issue. The one question -- the one
41 comment I would make just as we have started to talk about the SoccerPlex and the
42 lease agreement, the one thing that came up through that process that I think must be
43 an ongoing issue for us is the condition of existing -- and the management of existing
44 fields throughout the County that are not the SoccerPlex, but just the stress and the



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1 concerns by the neighbors surrounding these fields and parks, and the actual condition
2 of the fields and parks, not to mention what's happening to them as a result of this
3 weather. But we..,

4
5 Derick Berlage,
6 They're not being used,

7
8 Wendy Purdue,
9 It's pretty bad out there, we've lost a few fields,

10
11 Councilmember Praisner,
12 I bet. But we really need to talk about that. And I've asked Mr. Silverman, as Chair of the
13 PHED Committee, to set aside another opportunity for a discussion in the PHED
14 Committee about this issue of conditions -- field conditions, but also the issue -- some of
15 the issues we've talked about. And I've had the benefit of interacting with Mary on on
16 neighborhood stresses related to community -- other community member use of fields
17 that has an impact. Steve?

18
19 Councilmember Silverman,
20 On Silver Place, I see that you're developing your RFP evaluation criteria from July,
21 2006, through October, 2006. I will reiterate a continuing request that I have made of
22 Park and Planning for months now, which is I believe that you should brief the PHED
23 Committee about what you intend to put out on the street if you intend to get the County
24 Council's support for it. Because there are questions that at least I have about what
25 you're planning on putting out there for, you know, design, density, et cetera, et cetera.
26 You don't have to come up, I just..,

27
28 Derick Berlage,
29 I just wanted to see if that was in the schedule already,

30
31 Trudye Johnson,
32 It is. We don't have it. We're waiting to give him what he wants. Where we are, Mr.
33 Silverman is we have not given..,

34
35 Councilmember Praisner,
36 Trudye, please join us at the table. I'm sure this issue will have folks who are watching
37 or listening interested and they can't hear you from back there,

38
39 Trudye Johnson,
40 I'm going to go back..,

41
42 Councilmember Praisner,
43 Trudye Johnson,



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1 Trudye Johnson,
2 Trudye Johnson, Executive Director for Park and Planning, we're handling the
3 procurement phase. We're not ignoring your request. We can't answer it at this juncture.
4 Frankly, we don't want to answer it until we know what the proposals will be. We aren't
5 telling the developers what they can do, we've asked them to give us their best guess.
6 We'll bring a series of suggestions and recommendations to the Board and others. As
7 soon as we get enough information about the program of requirements -- the program of
8 requirements we're doing -- the problem is not the piece you're really interested in,
9 you're probably more interested in the housing and the configuration and all of that. The
10 program of requirements that Mike [Reilly] is doing is about our share of office space in
11 the building. So that's that. But as soon as we get enough back from them to give us
12 some sense of what the potential is -- we have three prime parties, or teams there
13 about, that are out..,

14
15 Councilmember Praisner,
16 Three?

17
18 Trudye Johnson,
19 Three,

20
21 Councilmember Praisner,
22 Three?

23
24 [LAUGHTER]

25
26 Unidentified Speaker,
27 Two in the private sector and one governmental,

28
29 Trudye Johnson,
30 That sometime in -- I think we're due to get those proposals back in early September,
31 early October -- is at that juncture we think we'll have enough information to give you. I
32 apologize to you for not giving you that. We also have received from our in-house staff
33 some potential as to how much density and all of that. It is meaningless right now,
34 because we have absolutely nothing to gauge what's coming in from the marketplace.
35 So as soon as I get something concrete enough to give to the Council, we will bring it
36 forth and let you know. There will be an opportunity for the community to come in and
37 look at the proposals. Then the evaluation team will go to work, and, of course, then
38 we'll separate. the regulatory people, which would be this Board and our Planning staff,
39 will do some sort -- do what they do with every other project, decide what's best for that
40 location. So bear with me a little bit, okay? I'm bearing,

41
42 Councilmember Praisner,
43 It is two minutes to 5:00, I said we would end at 5:00. Somebody can talk for two
44 minutes if they like, but that's okay. But before we conclude, I do want to conclude by



June 27, 2006

1 noting that this is, Mr. Berlage, your last meeting of the Semi-Annual Report to the
2 Council by the Planning Board. I don't want that to go by without acknowledging all the
3 hard work you've put in, and as you acknowledged at the beginning, this has been less
4 than a smooth year from a standpoint of the challenges that have faced us all as we've
5 tried to respond to less than ideal situations as far as Development Review and gaps in
6 implementation, shall I say. I want to thank you for your "stick-to-itiveness" on these
7 issues. I want to thank you for the way in which you've responded in a forthright, and
8 open, and public way about the issues that we -- acknowledging where there have been
9 problems, not dodging them, and also continuing to persist to work forward on those
10 issues. Also, I want to acknowledge that whether it is on Smart Growth or the
11 environment or public transportation, like the Purple Line, or Forest Conservation or
12 redevelopment and Smart Growth areas like Silver Spring, you've been right in front,
13 either as a Councilmember, or as Chair of the Planning Commission. And I want to
14 personally on behalf of the Council thank you for all of that effort, and thank you for the
15 grace with which you have handled what has been obviously not a situation anyone
16 would want. Thank you very much,

17
18 [APPLAUSE]

19
20 Councilmember Praisner,
21 We are adjourned,

22
23 Derick Berlage,
24 Thank you very much. I had help from many people,

25
26 Councilmember Praisner,
27 Ladies and gentlemen, it's 5:00. We're adjourned. Allison?

28
29 Allison Bryant,
30 Just one last thing. Only because we don't want you to not know that we're on top of it,
31 we do need..,

32
33 Councilmember Praisner,
34 Oh, about the condition of the parks. Okay, Mary, go right ahead. Good idea, Allison,

35
36 Mary Bradford,
37 I don't want to end on that note. If any of you want a quick private briefing about the
38 storm conditions so far in the parks I'll be happy to do that after this session,

39
40 Allison Bryant,
41 Okay,

42
43 Councilmember Praisner,
44 Fine. Good. Thank you very much. Thank you,